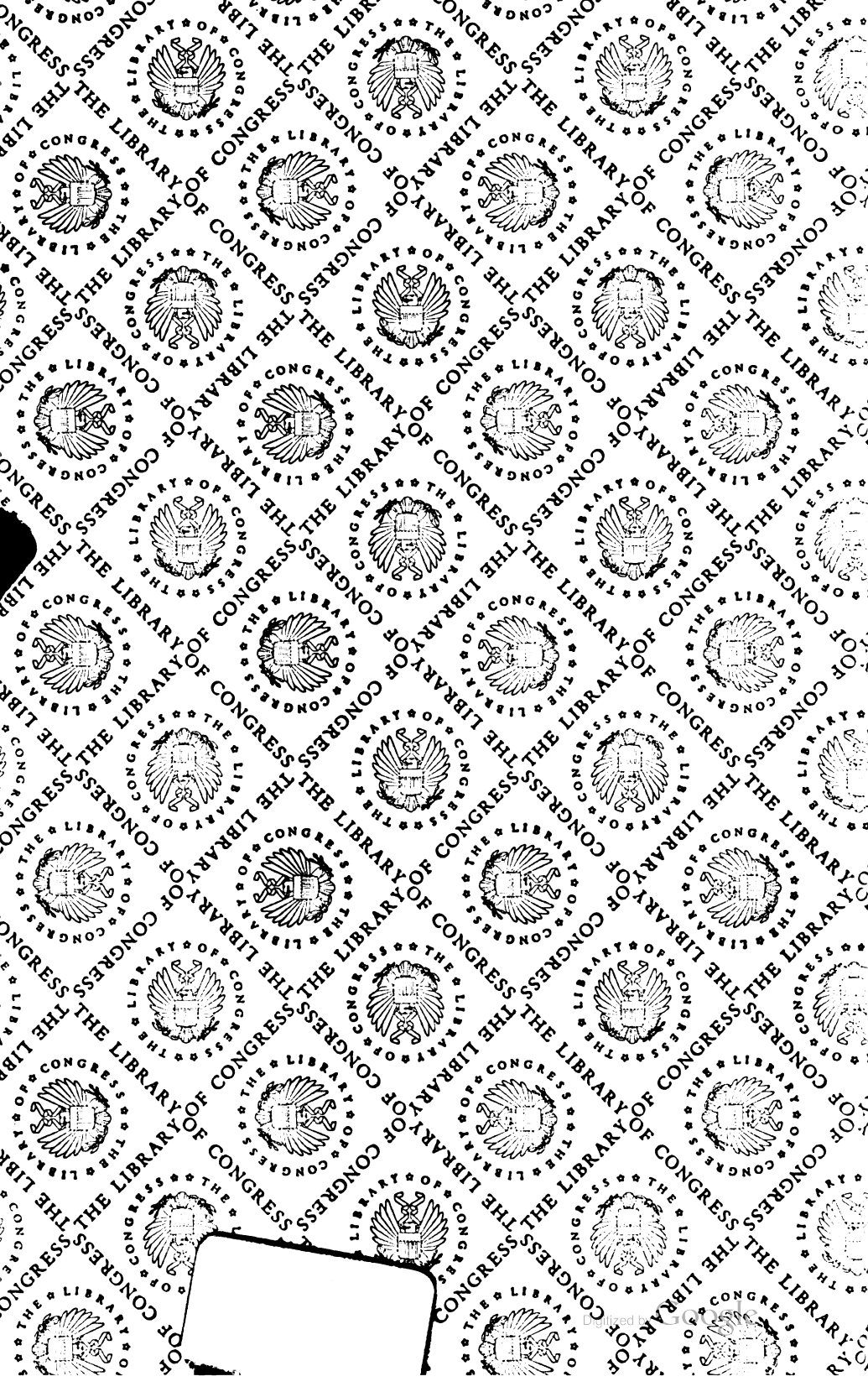


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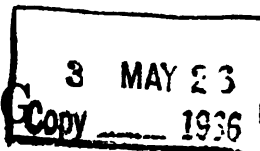
Serial 16



SEDITION

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HEARING



BEFORE THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS

SECOND SESSION

ON

S. 3317, H. R. 10650 and 12041

—
Serial 16
—

FEBRUARY 4 AND 6, 1920



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COMMITTEE ON THE JUDICIARY.

HOUSE OF REPRESENTATIVES.

SIXTY-SIXTH CONGRESS:

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SEDITION.

SERIAL 16.

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,

Washington, D. C., Wednesday, February 4, 1920.

The committee assembled at 10 o'clock a. m., Hon. Andrew J. Volstead (chairman) presiding.

The CHAIRMAN. Gentlemen, the Attorney General is present, and we will hear him now.

Mr. STEELE. Is there any particular bill under discussion, Mr. Chairman?

The CHAIRMAN. There are several bills; the Attorney General can discuss whichever one he sees fit.

STATEMENT OF HON. A. MITCHELL PALMER, ATTORNEY
GENERAL OF THE UNITED STATES.

Attorney General PALMER. I would like first to discuss the subject generally.

Mr. STEELE. I understood that the department had prepared a bill.

Attorney General PALMER. Yes; it is before the committee.

Mr. Chairman and gentlemen of the committee, what I shall say is intended to establish five propositions:

First. There is a condition of revolutionary intent in the country, on the part of both aliens and citizens, which is of sufficiently widespread a character to merit the serious consideration of the Congress. This is manifested chiefly by the threats, both written and spoken, on the part of such persons to injure, destroy or overthrow the Government by physical force or violence.

Second. These threats are of a kind which do not entitle the persons who employ them to hide behind the guaranty of the right of free speech. They pass far over the line intended to mark the boundaries of free speech.

Third. There is no Federal statute now upon the books which adequately meets this situation.

Fourth. Of the several bills which have been introduced and considered both by this committee, by the Rules Committee of the House, and by a committee of the Senate, and the Senate, most are so drastic and far reaching in their character, that, in my judgment, they overreach the purpose which they are designed to serve.

And, fifth. The situation calls for legislation of a simple character, carefully guarding the guaranties of the Bill of Rights, but filling what I may call the hiatus which exists at present in the statutory law.

I do not propose, gentlemen, to enter into any lengthy discussion of the general condition of unrest and discontent in the country which has been manifested from time to time in various alarming ways; nor do I intend to enter into any deep discussion of the right of free speech, freedom of the press, and the right of assembly.

I want to call your attention to a few specific cases which I have culled from a mass of such instances which have come within the view of the Department of Justice which illustrate the necessity for additional legislation.

Some misunderstanding seems to have arisen about my attitude as Attorney General with respect to this legislation. A hearing was held by the Rules Committee of the House a couple of weeks ago. That committee had the idea that I supported the so-called Sterling and Graham bills, and I was charged by certain gentlemen, on account of my absence, with having an attack of "cold feet," or, to put it in the inelegant but expressive language of one of them, it was charged that I had "turned tail and run away."

That is not correct. I saw no necessity for going there, because I could not give my support to the rule which was there pending; and I did not want to be put in the position of opposing all of this sort of legislation.

As long ago as last June, when the country was ringing with reports of violence perpetrated by anarchists and others who are opposing the Government in one form or another, I was invited to appear before a committee of the Senate.

I accepted, and there made the statement that from what I had learned since I had been in the Department of Justice more harm than good would come from very severe repressive legislation; that I did not believe it was either proper or advisable, much less necessary, to extend the provisions of the espionage act into peace times; that neither did I think it was necessary that seditious matter should be made nonmailable; but that I did believe the situation called for

a simple act of Congress making what I call, perhaps inaccurately, "the individual advocacy of sedition" a crime.

The Senate committee did not adopt my view, but finally reported the so-called Sterling bill, which went very much further than I thought it wise to go.

This committee reported the Graham bill, which I think may properly be described as being more drastic even than the Sterling bill. Then the matter came up before the Committee on Rules of the House for a special rule for the consideration of the Graham bill.

I maintained the position which I had taken from the beginning; I stated to the Rules Committee in a letter that neither of those bills was in accord with my views; that my views were contained in a bill I had drafted at the suggestion of the Senate committee, and which is now before your committee, known as the Davey bill (H. R. 10650), and that upon that bill I was willing to stand, and upon no other. Of course, I said that responsibility for the form of the legislation was not with me, but with the Congress of the United States, and that the Department of Justice was prepared to enforce any act which was finally passed and became a law.

At that hearing before the Rules Committee there developed considerable criticism, not only of the Graham bill but of all kindred legislation.

So far as that criticism was based upon the idea that we ought to be particularly careful in these difficult times in our country to guard the guaranties in the Bill of Rights, I am in entire accord with it. So far as it was based upon the idea that these acts of violence and threats of violence on the part of anarchists and others in the country should be met by argument only, and not by the firm hand of a Federal statute, I am in entire disagreement.

Last summer, when the country was stirred by the knowledge of repeated threats against the Government, acts of violence against officials of the Government, and moves designed to injure its authority, the people seemed to be unanimous that a strong stand should be taken by the Federal Government in its own defense; that if there was not sufficient law such law should be put upon the statute books, and that such laws as we had should be rigorously and vigorously enforced without delay, in order to bring about a more peaceful situation in the country.

The newspapers of the country demanded that all the power of the Federal Government should be used to quell this agitation. The Congress debated the question, and the Senate solemnly passed resolutions calling upon the Attorney General for action.

It took time to gather the facts which would make it possible to apply such law as we had to these violators of it in the country. The Department of Justice had gone promptly and actively to work. The only practical law that it could get results from was the deportation statute. That law made it possible for us to secure the deportation of alien anarchists by cooperation with the Department of Labor.

After a thorough investigation of the situation in the entire country, we caused several hundred arrests of alien anarchists, and secured the deportation of, I think, 247, including some of the leaders of the movement. And on January 2, upon the issuance of warrants in 30 or 40 cities of the United States, there were arrested something like 3,000 aliens of the same type—not all confessed anarchists, but all

persons who advocated anarchistic principles. In the meantime sporadic arrests of important individuals were made.

The vigor of the department's action served notice on the law-breakers in America of the strong and positive intention of the Government to punish crime, and it had the effect of keeping peace in the United States and maintaining a kind of order which, in my judgment, would have been impossible without it.

On June 2 last there was a concerted effort on the part of some of these anarchists to terrify the law enforcement branches of the Government by planting bombs at the houses of some 10 or 11 different officials of the Federal and State Governments. Before that, bombs had been deposited in the mails and had been received, some of them, by officials or former officials of the Government. These same elements in the country proposed to follow this with a greater show of force and violence. But the Department of Justice, by its vigorous enforcement of such laws as it had, has given notice to this class of persons that the United States proposes to defend itself, and is able to defend itself; and that has gone a long way in keeping peace, quiet, and order in the country.

And the natural result is reaction. Many good people, patriotic, loyal Americans, now feeling perfectly safe and secure by reason of the peace and order which this vigorous policy of the Government has secured, say, when we ask for further legislation, that we are excited and hysterical and unduly worried, because the country is quiet.

An argument of that kind is based upon a false premise. Peace and order have been achieved and can only be maintained by firmness in the enforcement of the law, but it should be secured by adequate laws.

The argument is made that the conditions in these unprecedented times following the war are such that men are clamoring for what they call justice, and that the liberal and the radical, though he may be advocating what you and I can not approve, is entitled to have his say and to do what he can to accomplish his desires, and we ought not to put the slightest block in his path.

I would not do so, gentlemen. But justice can not come to any part, much less to all the parts, of our populations except upon the foundation of law and order. That is the absolute sine qua non, the absolute precedent situation, which we must have in America before we can assure our people of justice in all their relations, political, industrial, and economic.

I saw the other day a speech made by one who had strong views of Americanism and justice. Theodore Roosevelt, when in Columbus, Ohio, at the time of the great railroad strike in that neighborhood some 10 years ago, was asked to speak upon law and order. I have been much struck by the first paragraph of his address to that unsettled population—a population reeking with unrest and discontent growing out of a difficult situation. Mr. Roosevelt said:

The first essential to the achievement of justice is that law and order shall obtain; that violence shall be repressed; that the orderly course of law shall be unobstructed and those who commit violence shall be sternly punished.

But while this is the first vital essential toward the achievement of justice, it is of value primarily as leading up to justice. After law and order have been obtained—not before, after—then comes the question of seeing that absolute justice is done.

Our liberal and radical, indeed, our ultraradical, friends who come to us with their economic and political theories demanding their idea of justice must, if they would obtain it, join us in the proposition that, pending the decision of the questions which they raise, the country must maintain peace and order, and violence can not be permitted in any way, by any class or combination of people.

I want to call your attention to some instances which I look upon as a manifestation of the revolutionary intent in the country—the intent on the part of some people to break down, if possible, by physical force and violence the authority of the Government, or the Government itself, and I have selected, almost at random, out of a tremendous mass of documents in the files of the Bureau of Investigation of the Department of Justice a number of documents which are the literature of the anarchistic element in the population. I do not intend to go into all of them, but a few which I do not believe have been called to your attention are of a kind that I want to refer to briefly.

I have here, for instance, a circular entitled "Plain Words." This circular is printed in English and is signed "The Anarchist Fighters." Copies of it were found at the residence of the Attorney General here in Washington when the bomb was placed there on the night of June 2, 1919, and the same circular was also found at the other places in the country, about 10 of them, where on the same night similar bomb outrages were perpetrated. This circular is printed in the exhibits, marked "A."

It is not addressed to any particular individual, but its contents are plainly directed to the Government of the United States. It is printed on red paper and contains statements like this:

We are not many, perhaps more than you dream of though, but are all determined to fight to the last, till a man remains buried in your bastiles, till a hostage of the working classes is left to the tortures of your police system, and will never rest till your fall is complete and the laboring masses have taken possession of all that rightly belongs to them.

There will have to be bloodshed; we will not dodge; there will have to be murder; we will kill, because it is necessary; there will have to be destruction; we will destroy to rid the world of your tyrannical institutions.

Now, here is a document actually delivered to officers of the Government, accompanied by an engine of death, a bomb of high explosive power, which was exploded in 10 or 11 different places in the United States the same night.

I can not possibly bring myself to believe that there is any man who, upon any ground, has opposed any of this legislation, who will say that any man is justified under any circumstances in issuing a threat of that kind of physical force and violence against officials of the Government of the United States.

And yet I will say to you gentlemen that, as I read the law, as far as that circular is put out by an individual, there is no law on the statute books of the United States which makes that threat a crime, nor even the actual exploding of the bomb.

The man who brought that red paper to the house of Judge Thompson in Pittsburgh, a Federal judge, and blew up his house, attacked him, not because he was Judge Thompson. Nobody had anything against him personally. But he was attacked because he represented in that community the power and authority of the law and

of the United States. The man who did that violated no Federal statute. Of course he violated a local statute. But his crime was not local; it was not aimed at Judge Thompson as an individual; it was not aimed at his private residence; it was aimed at the Government of the United States.

If the man who brought that paper to his house had stood upon the curb in front of his residence that night, and had read that statement as a threat, as far as the Federal law is concerned, Judge Thompson would have been helpless to do anything with him. A man can come to the house of the Chief Justice of the United States Supreme Court with a bomb in his hand, and a notice like that, "that we mean to kill, because we propose to destroy the Government of the United States"; and so far as the Federal law is concerned, the Chief Justice would have to run away and hide to save his life, because there would be no Federal statute that he could use to punish the man.

MR. WALSH. Is there some law which would prohibit doing that to the President?

Attorney General PALMER. The act of 1917, which is the only one of that nature, makes it a crime to threaten the life of the President; but it would apply only to threats and not to actions, and only to the President. But the Government of the United States can be reached, in the minds of these people, through other persons than the President.

Here is another circular that I do not know that you gentlemen have seen. (This circular is printed in the Exhibits marked "B".) It is a circular entitled, "Men of the Army. Farewell!" This circular was issued by the Industrial Workers of the World. It contains these paragraphs:

The world's industrial workers must organize intelligently and scientifically on industrial lines, not only to carry on the every-day battle of the working class, not only to take possession of the world's industries, but to carry on production when the present wage-slavery system is abolished.

That is what the Industrial Workers of the World is organized for; as it tears down the old rotten capitalistic system, through organized direct economic action, it lays the foundation for a new system and in the shell of the old builds the structure of a new society—the Workers' Industrial Republic.

To my mind, that is the plainest kind of a threat, by the use of force, to destroy the Government of the United States and build upon its ruins a new government.

MR. REAVIS. Mr. Attorney General, may I ask you a question?

Attorney General PALMER. Certainly.

MR. REAVIS. The circular that you have just read would be in harmony with a peaceful attempt to make a change, would it not?

Attorney General PALMER. I do not think so; I do not call "through organized direct action"——

MR. REAVIS (interposing). Well, "Organized direct action" might be an organized peaceful action?

Attorney General PALMER. That is not what is understood by "direct action" in the minds of every one of these people; "direct action" has come to have a perfectly plain meaning.

MR. REAVIS. Yes; but not when they say "organized direct economic action."

Attorney General PALMER. It does not change the real intent.

Mr. REAVIS. Is that not in harmony with, or could it not be construed as a peaceful effort along the line of economics to effect a change?

Attorney General PALMER. It might, by an effort of construction, if we did not know so much about the I. W. W.'s plans and proceedings.

Mr. REAVIS. What I mean is this: If we had legislation that would permit the prosecution and conviction of a man for distributing such a circular as you have just read, that might result in convicting some of them who had no violent intention at all?

Attorney General PALMER. Well, that would be a miscarriage of justice, and such a conviction would be contrary to the intent and plain language of the Davey bill.

Mr. REAVIS. Well, it would be a pretty bad condition if we had legislation that would permit the conviction of a man of that kind who had no intention of using force and violence to bring about a change in conditions?

Attorney General PALMER. The statute should make it perfectly plain that only where the result was intended to be accomplished by actual or attempted or threatened physical force or violence. If a particular case brought under the statute might result improperly in a conviction that, of course, would be unfortunate and would have to be treated specially by appeal or otherwise. But such cases would be rare if the statute were properly drawn.

Mr. REAVIS. Surely; and there has been a theory expressed in the country, and to a certain extent, in the House, that legislation of this character should be so safeguarded that a peaceful attempt to effect a change in either economic or governmental conditions should not be interfered with, because that is one of the prerogatives of citizens.

Attorney General PALMER. I am with you on that—strongly. The Davey bill does not so interfere.

Mr. REAVIS. You have just read a circular that you say calls for legislation, and yet that circular on its face might be entirely peaceful and not advocate anything violent at all. Now, you read that circular as an inducement to legislation, but legislation which would punish the man who edited or who inscribed that circular, might be legislation that would convict an innocent man, so far as force and violence are concerned?

Attorney General PALMER. An innocent man might be convicted under any legislation. Under a properly drawn statute his illegal intent would have to be proved. In order that such intent might be proved, other evidence as to the subject's activities and as to his connections with the organization claimed to be illegal would be introduced in the course of the prosecution. Such evidence would consist of showing the nature of the organization referred to. In the particular instance cited by me the investigations of the Department of Justice have shown that the Industrial Workers of the World is an organization which, through its propaganda, consisting of literature and speeches of its organizers, actively indulges in the advocacy of seizure of industry by direct action or what is familiarly known as "mass action." This consists principally in the institution of a general strike in the basic industries involved, and, according

to the doctrines of the Industrial Workers of the World, the taking over of the industries is to be accomplished by "direct economic action" and not by a resort to the ballot box.

In my personal judgment, literature which threatens to tear down what is called the old, capitalistic form of government, and to build in its place a "workers' industrial republic," through direct action—

Mr. REAVIS (interposing). Direct economic action?

Attorney General PALMER. Well, "direct economic action" in this particular I. W. W. circular, if you please, counsels methods of political reform which should not be countenanced.

Mr. REAVIS. Well, would you have legislation against the attempt to change industrial conditions by direct economic action?

Attorney General PALMER. Where "direct economic action" means, as the I. W. W. construe it to mean, the use of physical force and violence, yes.

Mr. REAVIS. Would you have legislation that would punish "direct economic action" along the lines suggested by the circular, if you knew nothing about the I. W. W. organization?

Mr. BOIES (interposing). This circular would not be the only testimony in the case, would it?

Attorney General PALMER. Certainly not. From all the evidence the jury would find the intent.

Let me read another circular from the files of the department. This is a translation of an article appearing in "Klieb I Volia," in the issue of August 28, 1919. (This article is printed in the exhibits marked "C.") That is a Russian periodical, issued by the Union of Russian Workers; it contains paragraphs like these:

Against that physical force which is barricading our way, observes Malatesta, we can do only one thing, and that is turn to physical force, a violent revolution.

Only social revolution can free the worker, and only the working class can "put over" a social revolution. There are no legal means, nor can there be any, whereby true liberty could be obtained, for the laws are the products of those that favor and defend the existing order of things.

By the words "social revolution" we mean a complete destruction of the present order, and not merely the transfer of government.

And so forth.

Here is another, which is signed "The American Anarchists." (This circular is printed in the exhibit, marked "D.") Some of the paragraphs of which read as follows:

Do not think that only foreigners are anarchists; we are a great number right here at home.

You have shown no pity to us; we will do likewise.

And deport us; we will dynamite you.

Mr. STEELE. Among these different organizations, like the socialists and communists, have not the words "direct action" a well-defined meaning?

Attorney General PALMER. Without question.

Mr. STEELE. Does the expression not mean direct action as opposed to parliamentary action?

Attorney General PALMER. Exactly; it means the use of force.

Here is a circular entitled, "To arms, comrades." (This circular is printed in the exhibits, marked "E.") This circular was issued by the American Anarchist Federated Commune Soviets shortly after November, 1919, at which time the arrest of a large number

of the Union of Russian Workers were made under the direction of the Attorney General. These paragraphs are contained in it:

We must spend our money on acquiring guns and ammunition and learn how to shoot—and to shoot into the beasts who would dare to attack us.

We must unite secretly, call strikes in all industries, begin to seize all food stores and factories, attack with any weapon you can, capitalism and its upholders.

Capitalism, through its government, has by its bloody Friday—

That was the day that the arrests of members of the Union of Russian Workers were made under the deportation statute—

started the spark of the social revolution in America, and it is up to us, the rebellious workers, to keep the spark burning until victory is ours—and victory will only come by our beginning to use all weapons of force which we can lay hold of in fighting our enemies.

To arms, rebellious workers of America.

Mr. HUSTED. Have all of these circulars which you have read from been widely distributed throughout the United States?

Attorney General PALMER. Yes. And as I say, I am taking these almost at random from a mass of such things in the Department of Justice which would deluge any committee if I brought one-tenth of them down here.

Here is another. It is entitled, "Arm yourselves," and was issued by the American Anarchist Federated Commune Soviet, of New York City. (This is printed in the exhibits, marked "F.") The inspiration for the issuance of this circular was the action of the New York City authorities in preventing a demonstration in Washington Square, New York, on Wednesday afternoon, October 8, 1919, which was planned as a protest against the blockade of Russia. It contains this paragraph:

We therefore call upon you, the striking steel workers, and of every other industry, to arm yourselves for to uphold your rights as free human beings, just as much as capitalism through its government is armed and attacks you in order to keep you in slavery.

Mr. WALSH. Mr. Attorney General, if we had a law prohibiting those people from doing this thing, do you think that would stop them from doing it nevertheless if they were serious enough in their intentions?

Attorney General PALMER. Could we not have such a law, do you mean?

Mr. WALSH. No; do you think if we had a law prohibiting these things it would actually prevent them from doing the things, if there were a sufficient number of them who were serious in their intentions?

Attorney General PALMER. I think there are a sufficient number of them who are serious in their intentions for us to punish those who actually do this as a deterrent to others. Of course, how far a criminal statute will prevent the commission of crime is a much-debated question; but I am perfectly satisfied that human nature has not yet gotten to the point where we can hope to entirely abolish crime by providing penalties for its commission. But penal statutes are really productive of deterrent results.

Mr. WALSH. Can you tell us how many States are affected by this unrest or revolutionary agitation?

Attorney General PALMER. Well, it is all over the country. I can not give you the number of States. It is strongest in the great industrial centers.

Mr. HUSTED. If such a statute did not enable you to absolutely prevent the offenses it would at least enable you to punish, would it not, a great many of the people who commit these offenses?

Attorney General PALMER. Well, that is one of the important purposes of it. The statute itself will act as a deterrent and the punishment of persons who commit these offenses will serve to deter others from committing similar offenses.

Mr. HUSTED. And there is no Federal statute now by which you can reach them?

Attorney General PALMER. As I view it, there is no Federal statute now which enables us to hold a single individual for this kind of act.

Mr. WALSH. Well, if they start an insurrection or revolution against the Government, do you mean to say there is no Federal statute to punish that.

The CHAIRMAN. There is if it amounts to a conspiracy.

Attorney General PALMER. There is a statute covering insurrection and there is one covering conspiracy to overthrow the Government by force. The individual who incites or sets on foot an insurrection or rebellion against the Government of the United States may be punished under section 4 of the Criminal Code; but I am perfectly clear that the meaning of the language of that section is that there must be rebellion or insurrection before we can hold that man.

Mr. STEELE. There is a section against conspiracy, however.

Attorney General PALMER. Section 6 of the Criminal Code is against conspiracy; section 4 is against whoever incites, sets on foot, or aids or assists in any rebellion or insurrection against the United States or the laws thereof, or gives aid or comfort thereto.

Mr. STEELE. Yes.

Mr. HUSTED. May I ask you this question: In your opinion is it possible now for an individual on a public platform or the press to advocate with impunity the destruction of our Government by force and violence?

Attorney General PALMER. Yes. We had this kind of case brought to our attention in the period between the explosions in June and the 4th of July; there were numerous cases of this character, but I remember one in particular, where a man who was a rather prominent citizen in his State, who had been active in political and economic discussions in the State, made the declaration in the presence of witnesses whose veracity was undoubted that between the 1st and the 4th of July there would be other and greater bomb outrages than had been committed in June; that he knew of one that was going to be perpetrated; that he approved of it and believed in it and advocated it as a means of expressing the resentment of his class of people against the Government of the United States.

So far as I could see, there was nothing we could do about that; and yet I can not bring my mind to conceive that that sort of thing, spread among the people, is within the rights of a man who relies upon the guaranty of free speech.

Mr. REAVIS. Mr. Attorney General, you hold that under existing law the rebellion would have to be an accomplished fact before anyone could be made amenable to the law for inciting a rebellion?

Attorney General PALMER. Yes, sir; loosely stated.

Mr. REAVIS. Suppose the law read, "Whoever incites, or attempts to incite," would that cover your point?

Attorney General PALMER. Such an amendment would be very serviceable. But I think it could be more completely covered. May I conclude these illustrations and then take up that question?

Mr. REAVIS. Yes; I beg your pardon for interrupting you.

Attorney General PALMER. I think I can save time by concluding with these illustrations, unless you do not want to hear any more of them.

Mr. REAVIS. No; I do not want to interrupt you.

Attorney General PALMER. And I will discuss the law as it stands in just a few minutes. I want to call your attention to just a few other cases.

Here is a circular addressed, "To the working people of America," signed by "A group of workmen." (This circular is printed with Exhibits marked H.) It contains this paragraph, after a sarcastic reference to the glory of the American flag:

The workers of Russia, Germany, Austria, and other countries have arisen and have overthrown their rulers. Not by ballots, but by arming themselves, as it is your only means. You alone do not budge. Are you afraid to follow their example? Are you afraid to take by force what rightfully belongs to you?

Here is another, addressed, "To the striking Longshoremen." (This circular is printed in the Exhibits marked I.) The circular closes with a statement that "the workers must capture the powers of the State," and contains a very vicious attack upon the American Federation of Labor, as most of these circulars that are issued by various classes of agitators do, showing that none of them is of the loyal and patriotic type that characterizes the officials and members generally of the American Federation of Labor; all of them are very bitter in their attacks against the American labor movement, under the direction of the Federation of Labor.

I would like to leave these illustrations with the committee, with many others that I shall not take the time to read, some of which you have possibly seen, but most of which you probably have not, but all of which, so far as I recall, contain threats in the plainest language to use force in the changing of the Government.

I will read one more, to illustrate another phase in the situation, and then I will be through with them. This circular is addressed, "To you workers of America, colored or white"; it was issued by the American Anarchist Federated Commune Soviets, and received very wide distribution. The circular contains an attack upon the American Federation of Labor, in that it is stated that that organization has constantly "boycotted, sneered at, ignored, and refused to organize them," namely, the negro workers. (This circular is printed in the Exhibits marked J.) Here is an extract from the circular:

By our united strength, we, the workers of all colors and creeds, shall start the real worth-while war, for the overthrow of the entire capitalist system and the taking over of all the industries, farms, and warehouses of the country.

If blood will have to be spilled in order to enable us to accomplish this, then let it never again be the blood shed by workers against workers, but let it

be the blood of capitalism, its government, church, and press, that will attempt to prevent us the workers from freeing ourselves of the present slavery and our retaking of all the wealth we have produced and been robbed of.

If battles must be fought, if riots must take place, if blood must be shed, in order to destroy the present slavery, then let us do it by our united strength start the real war—the social revolution.

Appeals of that kind to racial hatred—appeals especially to the Negroes of the South—have been numerous and couched in the strongest language.

Now, I have introduced those only with this purpose, and I want you to multiply those cases by thousands upon thousands—to get an accurate idea of the extent to which this kind of propaganda, if you may call it such, has gone all over the United States.

Mr. REAVIS. May I ask you another question? Are these circulars gotten out by different organizations or do they in large measure come from the same organization?

Attorney General PALMER. Some of them are anonymous. There are many organizations in the country getting them out.

Mr. REAVIS. There are a number of such organizations in the country?

Attorney General PALMER. There are.

Mr. STEELE. Some of the socialist organizations have created a communistic party with a bolshevistic platform?

Attorney General PALMER. I did not go into that, Mr. Steele, because I thought it probably had been presented to the committee very fully. It is so familiar to us at the department that I thought it was familiar to the Members of the House.

Mr. STEELE. It is not familiar to me, and I should like to have information about it.

Attorney General PALMER. In the fall of 1919 the American Socialist Party split into three groups, two of which became the Communist Party and the Communist Labor Party, and they adopted the manifesto and program of the "Third International."

I have here and will leave with the committee briefs of the facts with relation to the communist and communist labor parties prepared by the Department of Justice and used by it before the Department of Labor recently in the cases involving the proposed deportation of 3,000 or more members of the Communist Labor Party who were arrested on January 2. [These briefs are printed in the exhibits marked "K" and "L."] Under the deportation statute the Secretary of Labor was required to hear the case and counsel appeared for one of the members of the Communist Labor Party, who defended him upon the ground that his case did not come within the language of the deportation statute.

Secretary Wilson, after hearing the evidence and after having had presented to him the documents showing the beliefs of the Communist Party, found that it was an organization falling within the provisions of the deportation statute. That happened within the last week or so. I will leave with the committee also the opinion of Secretary Wilson in that matter. And possibly, Mr. Steele, your question might best be answered by allowing me to read briefly from Secretary Wilson's opinion.

This was in the case of Englebreert Preis, who was a member of the Communist Party and was arrested as such. Secretary Wilson, in his opinion, says:

OPINION OF SECRETARY WILSON WITH REGARD TO MEMBERSHIP IN COMMUNIST PARTY—IN RE ENGLEBREERT PREIS.

Age, 31; native of Austria; entered the United States at Port Huron, Mich., on November 13, 1915, having arrived in Quebec by steamship *Scotan* June 14, 1914. This is a case arising under the provisions of the act of October 16, 1918.

It is alleged that the alien is a member of the Communist Party of America, which is affiliated with the Communist International. The alien admits membership in the Communist Party of America, and that is affiliated with the Communist International. The sole question, therefore, to be determined by the Secretary of Labor is: Is the Communist Party of America such an organization as is described in the act of October 16, 1918, membership in which makes an alien liable to deportation. The language of the act applicable to this particular case is as follows:

"SECTION 1. * * * aliens who are members of or affiliated with any organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States."

"SEC. 2. * * * shall, upon the warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in the immigration act of February 5, 1917."

It will be observed that belief in, teaching, or advocating the overthrow of the Government of the United States is not alone sufficient to bring any organization within the scope of the act. There must, in addition, be a belief in, teaching, or advocacy of force or violence to accomplish the purpose. Bearing that in mind, we may proceed to an examination of the facts.

The manifesto and program and constitution of the Communist Party of America and the manifesto of the Communist International are submitted in evidence and their authenticity admitted. The constitution of the Communist Party (see p. 19 of the manifesto) requires that:

"SEC. 2. Applicants for membership shall sign an application card reading as follows: 'The undersigned, after having read the constitution and program of the Communist Party, declares his adherence to the principles and tactics of the party and the Communist International, agrees to submit to the discipline of the party as stated in its constitution, and pledges himself to engage actively in its work.'"

An examination of the documents submitted clearly demonstrates the fact that it is the purpose of the Communist Party to overthrow the Government of the United States. There are many statements that might be quoted showing that purpose. The two following are typical. On page 9 of the manifesto and program the statement is made:

"Communism does not propose to 'capture' the bourgeoisie parliamentary state, but to conquer and destroy it."

And again, on the same page:

"The proletarian class struggle is essentially a political struggle. * * * The objective is the conquest by the proletariat of the power of the State."

Many other statements of similar purport are to be found in the same document. After having found that it is the purpose of the Communist Party to conquer and destroy the Government of the United States, the next point of inquiry is as to how the conquest is to take place.

It is apparent that the Communist Party does not seek to attain its objective through the parliamentary machinery of this Government, established by and operated under the Constitution. That is made sufficiently clear by the following excerpt from page 15 of the manifesto referred to:

"(b) Participation in parliamentary campaigns, which in the general struggle of the proletariat is of secondary importance, is for the purpose of revolutionary propaganda only."

And again from pages 9 and 10 of the same document:

"In those countries where the conditions for a workers' revolution are not yet ripe, the same process will go on. The use of parliamentarism, however, is only of secondary importance."

And further on page 10:

"The parliamentarism of the Communist Party performs a service in mobilizing the proletariat against capitalism, emphasizing the political character of the class struggle."

The parliamentary processes established by our Government are to be discarded or used for propaganda purposes only and other means adopted for overthrowing the Government of the United States: These means are stated at considerable length and frequently reiterated seemingly for purposes of emphasis. The conquest of the power of the State is to be accomplished by the mass power of the proletariat.

Strikes are to be broadened and deepened, making them general and militant, and efforts made to develop their revolutionary implications. The strike is to be used not simply as a means to secure redress of economic wrongs, but as a means through which the Government may be conquered and destroyed. A few excerpts from the Communist Party and Communist International manifestos will make these statements evident.

Thus on page 10 of the manifesto and program of the Communist Party of America is the following:

"The conquest of the power of the State is accomplished by the mass power of the proletariat. Political mass strikes are a vital factor in developing this mass power, preparing the working class for the conquest of capitalism. The power of the proletariat lies fundamentally in its control of the industrial process. The mobilizing of this control against capitalism means the initial form of the revolutionary mass action that will conquer the power of the State."

And again on page 11 of the same document:

"Mass action is industrial in its origin, but it acquires political character as it develops fuller forms. Mass action, in the form of general political strikes and demonstrations, unites the energy and forces of the proletariat, brings proletarian mass pressure upon the bourgeois state. The more general and conscious mass action becomes, the more it antagonizes the bourgeois state, the more it becomes political mass action. Mass action is responsive to life itself, the form of aggressive proletarian struggle under imperialism. Out of this struggle develops revolutionary mass action, the means for the proletarian conquest of power."

And further on page 12, the same document:

"Strikes of protest develop into general political strikes and then into revolutionary mass action for the conquest of the power of the State. Mass action becomes political in purpose while extra parliamentary in form; it is equally a process of revolution and the revolution itself in operation."

Then on page 16:

"The Communist Party shall participate in mass strikes, not only to achieve the immediate purposes of the strike, but to develop the revolutionary implications of the mass strike."

And then making the purpose still more clear, we have the following from page 30 of the manifesto of the Communist International, with which the Communist Party of America is affiliated and whose manifesto is accepted as part of the policy of the party:

"The revolutionary era compels the proletariat to make use of the means of battle which will concentrate its entire energies, namely, mass action, with its logical resultant, direct conflict with the governmental machinery in open combat. All other methods, such as revolutionary use of bourgeois parliamentarism, will be of only secondary significance."

From these quotations and numerous other statements in the manifesto, not here quoted, it is apparent that the Communist Party of America is not merely a political party seeking the control of affairs of state, but a revolutionary party seeking to conquer and destroy the State in open combat. And the only conclusion is that the Communist Party of America is an organization that believes in, teaches, and advocates the overthrow by force or violence of the Government of the United States.

It does not devolve upon the Secretary of Labor officially to determine whether Congress was wise in creating the law, or the Communist Party wise in creating the facts. It is his duty to apply the law to the facts as he finds them. It is mandatory upon him to take into custody aliens who are members of this organization and deport them in the manner provided for in the immigration act of February 5, 1917.

Your memorandum of January 17, 1920, recommending that the department issue its warrant for the deportation of Englebrert Preis, such deportation to be to Austria, at Government expense, is hereby approved.

(Signed)

W. B. WILSON, Secretary.

Mr. DYER. When was this organization first formed?

Attorney General PALMER. In this country?

Mr. DYER. Yes.

Attorney General PALMER. In the fall of 1919.

Mr. HUSTED. Do you care to make any statement, Mr. Attorney General, as to the number of people in America who adhere to these doctrines?

Attorney General PALMER. Mr. Ferguson, the secretary of the Communist Party, made the statement that there are 50,000 members of that party in the United States.

Mr. DYER. Would you care to state whether they have greatly increased in the last few years in membership?

Attorney General PALMER. This Communist Party was not organized in this country until the fall of 1919, at their Chicago convention.

Mr. GOODYKOONTZ. I was not present when you began your statement, but as I came in I understood you to say that you were in favor of the Davey bill. Would you mind stating what your criticisms are of the so-called Graham bill?

Attorney General PALMER. Yes; I am coming to that right now. I will be very glad to do that.

Mr. STEELE. There is a very interesting article in the Atlantic Monthly for December or January, which discusses the number of people engaged in this propaganda, which is variously estimated at from 100,000 to 300,000.

Mr. DYER. Under the present laws of the United States, can not the men who subscribe to those doctrines be deported if they are aliens?

Attorney General PALMER. Yes.

Mr. DYER. How many have been deported?

Attorney General PALMER. The members of the Communist Party who were arrested on January 2, in a country-wide raid, have not yet been deported.

Mr. DYER. No orders have yet been issued for their deportation?

Attorney General PALMER. I have just read to the committee the decision of Secretary of Labor Wilson in the first case which came to him, in which he decided just a few days ago that membership in the Communist Party brought the defendant within the terms of the deportation statute, and ordered his deportation. Now, the way is cleared for the deportation of the entire number.

Mr. DYER. All you need now is plenty of ships?

Attorney General PALMER. Well, of course, we will have to go through the necessary legal proceedings, because many of them doubtless will dispute their membership, and raise other legal questions.

Mr. IGOE. No action could be taken by the department on behalf of the Federal Government against citizens who preached the doctrines of the Third International, so-called?

Attorney General PALMER. No; unless you were able to establish a conspiracy under the terms of section 6.

Mr. GARD. Will you permit me to ask you a question? The gist of Secretary Wilson's decision seems to me to be that he accepts the common or ordinary meaning of the word "combat": that is, to mean a physical combat, and thereby associates that organization with physical force and violence.

Attorney General PALMER. He does not place it entirely upon the word "combat."

Mr. GARD. Well, he uses the two words "mass action" and "combat"?

Attorney General PALMER. I think you must read the context to get the meaning—"direct conflict with the governmental machinery in open combat."

Mr. GARD. "Open combat."

Attorney General PALMER. Through mass action.

Mr. GARD. Mass action, in open combat.

Attorney General PALMER. And it discards all parliamentary and political methods. Now, that leaves nothing else except force.

Mr. GARD. It does not say, "discarding all political methods"?

Attorney General PALMER. Well, disregarding parliamentarism.

Mr. GARD. Yes; parliamentarism.

Attorney General PALMER. And that is the political method.

Mr. HUSTED. They do say in the circular, do they not, that parliamentary methods are only subordinate?

Attorney General PALMER. "Of only secondary significance."

Mr. HUSTED. Yes; only of secondary significance.

Attorney General PALMER. And only to be used for the purpose of developing the revolutionary force.

Mr. REAVIS. That is, it is one of the details to effect their main purpose?

Attorney General PALMER. Well, it is a case of camouflage.

Mr. REAVIS. Well, hardly that.

Attorney General PALMER. Well, we will have to differ in our opinion of that. I think the words "mass action in open combat" are incapable of any other construction than that it is an advocacy of the use of force to overthrow the Government of the United States.

Mr. REAVIS. And all the other methods that they have are only for the purpose of working to the main end, the ultimate combat?

Attorney General PALMER. They say their participation in parliamentary methods is always of secondary significance; only for the purpose of keeping their crowd together, and to hold the organization together until such time as they can break out in "mass action in open combat" against the machinery of the Government of the United States.

Mr. REAVIS. And they avow that as the ultimate purpose of the organization?

Attorney General PALMER. Exactly.

Now, I take it, gentlemen, that we may safely agree, all patriotic Americans, upon this proposition, that this is the people's Government; that we have had our Revolution, and that we have established a form of Government under which any man may, by the methods devised by the fathers, accomplish all the reforms that he may desire, if he can bring them about in the methods so laid down. I take it that we may also agree that every man who comes to our shores must be understood to have fought and won his revolution when he gets here.

So that it is our duty, as loyal and patriotic Americans, believing that this is a popular Government, capable and willing to give to every man, woman, and child between the oceans that true measure

of happiness to which he is entitled under our parliamentary, political methods, if you please—it is our duty to see that the Government is armed with the power of self-defense, and that these forcible, violent methods of short-cutting to a reform are an attack upon the life of a people's Government, which can not be tolerated if the Government is to continue to live.

I want to get to this Graham bill in just a minute. And I want to say this before I discuss these bills: Much has been said about the guaranty of free speech. No man can go further than I will go in his earnestness to protect people in that guaranty. I feel no differently from what every member of this committee, and every Member of Congress feels—and what every man feels who knows his country, what it stands for, what it means, and how it has developed, and understands the sacred character of the guaranty of free speech, the right of free assemblage, and the freedom of the press.

But it seems to me to be perfectly plain that there must be a dead line across which men can not go in the exercise of their right of free speech, if the Government is going to be permitted to defend itself as a people's Government. And I am of the opinion that it is easy to draw that dead line.

Mr. STEELE. They have drawn that for a good many years, have they not?

Attorney General PALMER. I am speaking with particular reference to the Government itself. It ought to be drawn, it seems to me, at a line where there is attempted or actual use of or a threat or necessary implication of the use of force. And I make no mistake about what kind of force is meant. I am perfectly willing to use the words "physical force," because that is what we mean—physical force or violence.

I have sometimes used this illustration: It is perfectly proper for a man to stand on a soap box here on Pennsylvania Avenue and harangue a crowd to the effect that he believes the Government of the United States is wrong, built upon the wrong principle, and that the Congress is a useless appendage in this Nation. It is perfectly proper for him to say that he favors the abolition of the Congress of the United States.

The CHAIRMAN. Yes; or of the Constitution.

Attorney General PALMER. Yes; that he favors the abolition of the Constitution of the United States, if you will, and the substitution of a communist form of government. That is all right. He ought to be protected in that kind of speech by all the power of the Government, much as we may personally disagree with what he says.

But when he stands on Pennsylvania Avenue and says, "I believe the Congress of the United States should be abolished, and I propose to abolish it by walking up to the Capitol and planting a bomb under the House of Representatives and blowing those Congressmen to high Heaven," then it is something more than mere self-preservation that would lead you gentlemen to say that he has stepped over the dead line by the advocacy of the use of force to bring about a very startling, radical change in the Government of the United States. There can not be any debate about that sort of thing, it seems to me.

Forgive a personal word, but this thing is also true: I accord to every man who lives between the seas the right to criticize the

Attorney General of the United States all that he sees fit. That is perfectly all right—and lots of them are doing it. [Laughter.] That is perfectly proper, in strict accord with every principle of our Government.

The CHAIRMAN. You do not believe in the antisedition laws of 1798? Very few, if any, do at this time.

Attorney General PALMER. I certainly do not. That is all right for a man to criticize the Attorney General, as I have said. But when he goes to the house of the Attorney General of the United States and blows up his house and attempts to kill his family, he is not doing anything against that man as an individual; he is, by the use of force, attacking the Government of the United States, whoever the Attorney General may be.

And these gentlemen who would make it impossible for us to punish that miscreant under Federal laws by the allegation that we are impinging upon the right of free speech, have got a distorted view of what the rights of the public and the rights of the Government are in these matters, it seems to me.

I think, however, that the very fact that there is unrest and discontent and discussion, amongst ignorant people chiefly, about our form of Government and its processes, makes it important for us to be extremely careful in the method we adopt to make the sort of thing that I have described punishable—to make it a crime. We ought not to do anything which will give them an excuse for further inciting ignorant persons to violence, looking to the injury or destruction of the Government. We ought not to write into the law anything which would make it possible for men to present a plausible argument, even, that the civil rights of the citizen have been trodden upon.

And right there is the fundamental reason for my objection to the Sterling bill, and the Graham bill, and the Husted bill, and several others of these bills which have been introduced and contended for, both in the House and in the Senate. I shall not go through them in detail, but there are several objections common to two or more of these bills.

But I confess, gentlemen, that the Graham bill makes me shudder a little. I think a great many very good people might, with good reason, be considerably frightened by the provisions of that bill, because it is so searching in its definitions of the acts and speeches of men that, in times of excitement in the country, a judge who is disposed to be severe toward a defendant, or a jury, moved at all by local prejudice or passions in a community, might well sweep away the civil liberties of the citizen under that act.

For instance, I recall one provision which makes it unlawful for any person to speak in any assembly where the indirect result of his speech would be injury to private property. I omit a good deal of the language in it, but that idea is there. Now, that might well scare most of us. I can understand how a man discussing political questions might very well make a public address of a nature that would stir some workers, we will say, to strike, though he might not directly advise it; and the result of the strike might be injury to private property; so that the indirect result of his speech would be the destruction or injury to private property; and I could see

how it would be extremely dangerous to allow that to stay in the law.

I am personally opposed very strongly to making this alleged seditious matter nonmailable. That is an extremely dangerous thing. It means that the decision as to the unlawful character of the writing is left with a single officer of the Government—an executive official appointed for an entirely different purpose under our system of government than that of interpreting the laws with respect to the guilt or innocence of any person.

It makes it possible for the Postmaster General to destroy property absolutely, taking its value away by his mere opinion that the writing violates the statute; and, indeed, it goes so far, if I recall its terms correctly, as to say that the Postmaster General may refuse the use of the mails to a writing the intended or probable effect of which is to result in riot or disorder.

Now, gentlemen, I do not believe that it is ever either wise or proper, much less necessary, in this emergency, to permit any Postmaster General to determine the probable result of a writing to the extent that he has the power, if he determines that the probable result will be riot, or bloodshed, or disorder, to destroy the value of a man's property.

Mr. DYER. He has that authority now in other matters.

Attorney General PALMER. Well, with relation to obscene literature, which comes under quite a different principle.

Mr. DYER. Also where there is a charge of fraud.

Attorney General PALMER. Well, I am not strong for that, Mr. Dyer.

Mr. STEELE. If it would not interrupt your argument, may I ask for your views as to that clause in the Davey bill which prohibits any act of force against any person or his property?

Attorney General PALMER. The Davey bill is, of course, the simplest of all these measures. As Mr. Davey has told you, I presume, if he has been heard, it was prepared by the Department of Justice, under my direction, at the suggestion of the committee of the Senate, solely for the purpose of meeting this one hiatus in the law—the individual advocacy of the forcible injury or overthrow of the Government. And, of course, as all criminal statutes ought to be, it is drawn so as to minimize the possibility of the innocent man, or the man who is not intended to be caught under it, being convicted of a crime thereunder.

Let me say, before I begin to discuss it, that I am very doubtful, on further reflection, about the wisdom or necessity of the denaturalization feature of this bill.

The CHAIRMAN. Is there not a serious question as to its constitutionality?

Attorney General PALMER. Well, there might be easily a question raised, and it is not sufficiently useful—

The CHAIRMAN (interposing). The Constitution expressly provides that a person who has been naturalized is a citizen; and I don't believe he can be denaturalized by an act of Congress.

Attorney General PALMER. I know. But the courts have also decided, of course, that the naturalization papers may be taken away from a man where procured by fraud.

The CHAIRMAN. That is true; there is no question about that.

Attorney General PALMER (continuing). Which vitiates everything it touches.

The CHAIRMAN. There is, of course, no question about that.

Attorney General PALMER. And if within a comparatively short time after a man took the oath of allegiance he joined an organization of the character of those that have been described here this morning that attempted to destroy the very Government which he swore to obey, that would be very strong evidence, at least, of fraud in the procurement of his naturalization; and the court in New Jersey, in time of war, in effect held that.

The CHAIRMAN. That might be perfectly proper.

Attorney General PALMER. But I recognize, of course, that time cures many things, and it certainly weakens the evidence under allegations of fraud; and it may be that a man who was naturalized 10 years ago had it in mind to be ever so loyal when he took the oath, but changed his mind since, and you could not prove fraud against him.

The CHAIRMAN. Or even if it was six months ago?

Attorney General PALMER. I do not know about that; men do not change their minds so quickly on a matter of so much importance as that. But I am inclined to the opinion that the provision for denaturalization is not very useful, anyhow.

The CHAIRMAN. And you would strike it out?

Attorney General PALMER. I would strike it out.

Mr. REAVIS. May I ask you a question along the lines suggested by Mr. Steele? What is your thought with reference to the danger of leaving in this bill the application of force against property?

Attorney General PALMER. This bill is intended to do only this thing: It makes a crime of the committing, or attempting to commit, or threatening to commit, an act of force or violence upon person or property, provided it be done with the intent described in the act. Now, that is all there is to it.

Mr. REAVIS. Well, in the course of your—

Attorney General PALMER (interposing). I beg your pardon; will you allow me to finish? Now, it seems to me that if you admit that is all it does—and that certainly is all that it is intended to do—you have got to include as the objects to which the force may be directed all the things through which force might be used for the purpose and with such intent.

Now, to go back to the illustration of the bomb throwers on June 2, 1919, a bomb was laid under the house of a United States district judge. The house was his private property, and it will be said, or has been said, that the State of Pennsylvania makes it a crime for a man to destroy the private residence of a citizen. And that is perfectly true. The point about it is that that was not the crime that was committed, the destruction or attempt to destroy the private residence of a private citizen; it was a blow at the Government of the United States; it was intended as such; it was accompanied by a printed document which declared it to be such, which said it was murder and killing with intent to injure, destroy, or overthrow the Government of the United States, or words to that effect. As far as the Government is concerned, I say, that though it was a piece of

private property, it was nevertheless a blow at the Government, and ought to be protected by a Federal statute.

Mr. REAVIS. And if this bill were a law with the word "property" omitted, it would be ample to take care of the instance that you have just referred to?

Attorney General PALMER. Of course, it might be differently phrased to accomplish the same purpose.

Mr. REAVIS. Surely, the use of force for the purpose of changing and overthrowing the Government incorporated in this bill would be sufficient to prosecute the man who planted the bomb under the house of the Federal judge? You have spoken several times, Mr. Attorney General, in your statement to the committee of acts which would imply an intent—the implication of an intent?

Attorney General PALMER. No; not the implication of intent. I never used that expression.

Mr. REAVIS. I so understood it. I may be mistaken.

Attorney General PALMER. I spoke about the threat, promise, or implication of force.

Mr. REAVIS. The thought that I have in mind is this: Suppose, for instance, that there was a railroad strike, with all the transportation tied up, the people of the Nation facing starvation, and the Government bankrupt, or facing bankruptcy, and because of that condition, with the public mind inflamed, the strikers, by reason of an overzealous advocacy of their side of it, destroy property; do you not think that there would be great danger that with those words in the bill, with the word "property" in there, it would be used as a strike-breaking law before you got through with it?

Attorney General PALMER. I do not think there is the slightest possibility of that because of the necessity of proving the illegal intent.

Mr. REAVIS. I would be very apprehensive about it, with the word "property" in there.

Attorney General PALMER. There must be evidence of illegal intent, which would not exist in a bona fide industrial strike.

Mr. REAVIS. Well, if the strike on the railroads was threatening national bankruptcy or national starvation, and property was destroyed in that strike, I am quite sure that some means would be found to construe that law along that line.

Attorney General PALMER. The strike itself would not tend to change or overthrow or destroy the Government of the United States. If any individuals sought to take advantage of this serious situation to wreck the Government they should be punishable.

Mr. REAVIS. It might have a tendency to overthrow it.

Mr. IGEE. May I ask you a question as to the use of the words "any act of terrorism, hate, or revenge" in the Davey bill? What is the purpose of that?

Attorney General PALMER. Well, there is not much difference between violence and terrorism.

Mr. IGEE. How about hate?

Attorney General PALMER. What I mean is this: There may be an act of violence which does no injury to anything. There may be an explosion of a bomb, for instance, which destroys no property and kills or injures no person; it is a mere act of terrorism and hate

against the United States Government and public officials as such. It is perpetrated for the purpose of inspiring a public official with fear or of exhibiting such hate, to the extent that he will not perform his duty in the enforcement of the law, and consequently, is a blow at the authority of the law and the supremacy of the Government. I can conceive of cases where there might be a wrongful act of that character, which the court would hold to be not physical force or violence against person or property, and yet which would be just as vicious in its consequences and just as vicious in its purposes as an actual act of such physical force.

Mr. IGOE. I was wondering whether if you put those words in to cover such case, it might not open things so wide as to cover acts which are not within our intention now?

Attorney General PALMER. Well, I do not think so. It all must be done, you understand, Mr. Igoe, with the intent which the law requires to be present before the crime can be committed.

Mr. HUSTED. May I ask you if you have by chance read H. R. 12041?

Attorney General PALMER. I do not know it by number. Whose bill is that?

Mr. HUSTED. It is the second bill that I introduced.

Attorney General PALMER. I think I have seen that, Mr. Husted.

Mr. HUSTED. You have seen the second bill that I introduced? I would be very much interested to know what provision you objected to in that bill?

Attorney General PALMER. H. R. 11332?

Mr. HUSTED. No; H. R. 12041; I introduced a second bill on this subject.

Attorney General PALMER. No; I have not seen that. I thought you were speaking of your bill, H. R. 11332. I do not know how much you have changed it; but in a general way, many of the objections that I have urged to the Graham bill apply to your bill, H. R. 11332—and some of them may apply to your second bill, which I have not yet seen. When was it introduced?

Mr. HUSTED. On January 24. Here it is.

(A copy of the bill referred to was handed to the Attorney General.)

Attorney General PALMER. Well, I can hardly read it through and pass on it now. Does it still provide for criminal anarchy by definition?

Mr. HUSTED. Yes; it provides for criminal anarchy practically in the language of the New York statute.

Attorney General PALMER. Does it make the matter nonmailable, and all of that sort of thing? Of course, what I said about the Graham bill applies with equal force to any of these bills, as to the nonmailable character.

Mr. HUSTED. But it does not carry the provisions of the Graham bill in that respect. Section 6 simply provides that every book, document, paper, etc., in or by which criminal anarchy is advocated, or any other provision of this act is violated, or the commission of any act prohibited by this act is advocated or advised, is hereby declared to be nonmailable. And then there is a provision providing for an appeal to the district court and a hearing de novo.

Attorney General PALMER. Well, in a general way, my objections to your own first bill seem to apply to the second bill, including the provisions providing that such matter shall be nonmailable. I have not examined the second bill until now. And also the very broad provisions making it a crime to advocate the use of force and violence to injure or destroy any government of the world and you make it also a crime under the statute if committed outside of American jurisdiction.

Mr. HUSTED. None of those provisions are carried in the second bill that I introduced.

Attorney General PALMER. Well, then, you have very considerably improved it, I should say, because under your first bill, I take it that a man might live here and go to Russia and engage in a revolution over there and use force and violence, and we could hold him for violating the American law, which none of us want to do.

Mr. HUSTED. None of those provisions are in the second bill.

The CHAIRMAN. I do not think any laws that we passed could apply outside of our territory anyhow, would they?

Attorney General PALMER. I should not think so; and yet the language of that bill would attempt to make them do so. I think the bill particularly provided that any of these offenses committed outside of the United States should be considered an offense against the Government of the United States. That was going pretty strong.

Mr. HUSTED. That was in the New York law; and I cut that out.

The CHAIRMAN. Let me call your attention to the fact that section 1 of your bill apparently does not punish advocating or advising the use of force or violence in the overthrow of the Government?

Attorney General PALMER. No.

The CHAIRMAN. Was that your intention?

Attorney General PALMER. Not by that section which applies only to sedition itself.

The CHAIRMAN. Do you intend to reach that character of offenses at all? Suppose a man went down on a street and addressed a crowd there, and urged them to come up here and burn the Capitol and blow up Congress. Do you not intend to cover that sort of an offense?

Attorney General PALMER. Section 2 covers that.

The CHAIRMAN. That covers only cases of writing or printing. does it not?

Attorney General PALMER. No. "Whoever makes, displays——"

The CHAIRMAN (interposing). No; that says, "Whoever makes, displays, writes, prints, or circulates," etc.

Attorney General PALMER. Well, "whoever makes a speech," I think, would cover your case exactly; would it not?

The CHAIRMAN. No; it only provides against something written or printed.

Attorney General PALMER. I think not. "Whoever makes, displays, writes, prints, or circulates, or knowingly aids or abets the making, displaying, writing, printing, or circulating of, any sign * * * which advises," etc.—there may be some doubt.

The CHAIRMAN. You have omitted oral speech in that section.

Attorney General PALMER. Yes; I catch your point. If it would make it any clearer the word "utter" or some synonym might be inserted.

The CHAIRMAN. Well, suppose he does not threaten anything, but he goes out on the street and tries to incite a crowd to revolution or sedition. I do not think your bill covers that sort of thing at all. I think section 2 covers only written or printed matter.

Attorney General PALMER. I am of the opinion that section 2 covers that situation. It certainly would if amended by addition of the word "utter" in the first line.

And at this point I wish to suggest for your consideration another simple amendment which has occurred to me upon further study of the bill after it was introduced. Without seeking to excuse myself for not having noticed this sooner, I may say that in attempting to make the act short, simple, but inclusive section 2 was drafted so as to be too broad in its terms in this particular, it might include a person who circulated illegal literature without the intent as defined in section 1, or without knowledge of the nature of such literature, and it might include a person who becomes or remains a member of or affiliated with an illegal society without knowledge of the aims and nature of such society. It might conceivably even include an organizer of such society. Now, gentlemen, it is my judgment that no offense should be included under this act without the existence either of a guilty intention as defined in section 1 or guilty knowledge. I think one who "knowingly" distributes illegal literature or who organizes or assists in the organization of or becomes or remains a member of or affiliated with an illegal society knowing its aims and purposes should be made to fall within the terms of the act. I think some further simple amendment to section 2 which would include the element of guilty knowledge on the part of persons otherwise falling within its terms is a very necessary amendment to the bill. Had I not been called to testify before your committee it was my intention to address you a letter to this effect.

The CHAIRMAN. Why would you punish a threat any more than you would an appeal direct to a crowd to do any such thing?

Attorney General PALMER. Well, an appeal might be a threat under some circumstances; but if it were not a threat I would not punish it. There is so grave a danger, Mr. Chairman, in attempting to hold an individual for the spoken word, that I would be particularly careful about what the effect of that word might be before I attempted to hold him; whereas the written word is very much more easy of proof.

The CHAIRMAN. Well, you have a threat of revenge in the bill. Now, a threat of revenge might not mean force at all. I had a man come in my office yesterday and threaten me because of my connection with certain legislation; he threatened revenge. I do not think he ought to be punished; I do not think he ought to come under this act at all; he did not threaten to use force. And it seems to me that a threat of force might at least be required—not simply a threat of revenge. Personally, my view has been that this section 1 of your bill is broader than any bill, either the Graham bill, the Sterling bill, or any other bill.

Attorney General PALMER. No; I do not think that is so, Mr. Chairman.

The CHAIRMAN. Well, of course, that is a matter of opinion.

Attorney General PALMER. Yes; it is a matter of opinion as to the meaning of words, doubtless. I am not particularly concerned about

the use of the words "terrorism, hate, or revenge." I have explained, in answer to Mr. Igoe's question, that there may be cases in which physical force is used which do not result in the injury either to person or property, and which, therefore, would be held not to be physical violence, but which are done simply for the purpose of inspiring terrorism or exhibiting hate. And yet I recognize that there is a line of danger there that might well cause us to think carefully about that; and I am not particularly concerned about the use of those words.

Mr. IGOE. Is it your intention to cover only cases involving force or violence?

Attorney General PALMER. Yes; and I want the force to be properly tied up with the intent and the intent with the force.

The CHAIRMAN. Well, if there should be a provision against a threat of injury to property, why should it not be limited to a threat of injury to Government property?

Attorney General PALMER. For the reason that, as I have stated, a man can intend to injure or destroy the Government by injuring or destroying private property, if his intent is perfectly clear, just as effectively as if it was Government property. The Chief Justice of the United States Supreme Court does not live in Government property; and yet I take it that if a man threatened to destroy his house while he was living in it, because of some official act of the Chief Justice—if it was plainly done with intent to injure or destroy the Government and the power and supremacy of the law—it would constitute a case of a threat to injure private property with intent to injure and destroy the Government of the United States. I think you would open a wide door for the escape of many criminals if you struck out "property" entirely from the bill. I would not have the slightest objection to your striking out the words "terrorism, hate, or revenge"; although I think it would weaken the act somewhat; I think the other features would be sufficient.

Mr. YATES. Do you think in order to obtain conviction under this bill the indictment would have to allege an injury against the person or property of a specific officer or any act of force against the person or property of a specific person? I have in mind, as you doubtless have, a fellow that just runs amuck; he has no particular official that he wants to hurt; he is an anarchist, and he simply wants to blow up something. Is that provision wide enough to cover a case of that kind?

Attorney General PALMER. Yes; I think so—"commits or attempts or threatens to commit any act of force against any person or any property."

The question is, whether we would have to specify the individual against whom the force was brought? I think not. For instance, if a man placed a bomb under the House of Representatives I do not believe we would have to allege the individual he was driving at. A man actually did put a bomb in the other end of the Capitol some years ago and blew out a portion of the waiting room of the Senate, with the intent, undoubtedly, to injure the Government of the United States; and he was committing an injury to property in doing that.

Mr. YATES. Do you remember the anarchists' cases in Illinois about 25 years ago?

Attorney General PALMER. Yes.

Mr. PALMER. They did not advocate the killing of anybody particularly; they simply advocated the use of bombs to kill the officers of the law or anybody else in an attempt to overthrow the constituted authority; and 150 policemen were killed or injured by the throwing of a bomb.

Mr. GOODYKOONTZ. That was the Haymarket riot?

Mr. YATES. Yes; but they were not trying to kill specific individuals.

Attorney General PALMER. Well, they were trying to kill policemen, as I recall it; it was a street encounter between policemen and anarchists, as I recall it.

Mr. YATES. The people who threw the bombs were not incited to make an attack against any specific individual; and if the indictments had required that they could not have been convicted, but they were not required to state that.

Attorney General PALMER. Well, they did devise it against the officials of the law?

Mr. YATES. Yes, they did. Now, would that case be covered by this bill?

Attorney General PALMER. I think so; it is against the Government "or any of its officers, agents, or employees," "force against any person or property."

Mr. REAVIS. In your opinion, could a conviction be had under the incident that you referred to a moment ago, of an attempt to blow up the house of the Chief Justice of the United States Supreme Court, under the language of section 1 of your bill—the Davey bill—if the word "property" were not employed in that section? Where it says:

Or to oppose, prevent, hinder, or delay the execution of any law of the United States or the free performance by the United States Government or any one of its officers, agents, or employees of its or his public duty, commits, or attempts or threatens to commit, any act of force against any person.

Would not a person attempting to blow up the house of the Attorney General be amenable to that section even though the word "property" were not used there?

Attorney General PALMER. Well, let us stick to the case of the Chief Justice; it is more comfortable. [Laughter.]

Mr. REAVIS. That is what I had in mind.

Attorney General PALMER. I thought you said the Attorney General. Suppose the Chief Justice were not at home; the man would not be making an attack against his person; he would be making it against his private residence; an act of force—

Mr. REAVIS (interposing). Under the bill, would it be sufficient, even if the word "property" were not used in there, if the act were committed by the criminal for the purpose of interfering with the proper authority of this Government—and it would have no other purpose?

Attorney General PALMER. I think so.

Mr. REAVIS. And it seems to me that the language employed with the word "property" left out would be ample to fit that case.

Attorney General PALMER. Of course, an act of force must be against either person or property; there is no question about that; it will not be an act of force if it is out in the open air. Therefore I

do not see the purpose of omitting the words "property or person," because it must be one or the other. But an act of "terrorism, hate, or revenge" might not be. In that connection the word "property" has a limiting effect.

Mr. REAVIS. What I had in mind was the inviolability of private property, which is protected by State law, and such a provision as to that is likely to cause a prostitution of the purposes of this bill before we get through with it.

Attorney General PALMER. That is on the assumption that the courts will not properly instruct under the act that it must be done with intent to injure or destroy the Government of the United States.

Mr. REAVIS. Well, of course, sometimes the public mind becomes very much inflamed, and juries are not always capable of considering the matter calmly.

Attorney General PALMER. Well, I do not myself think it makes any difference whether you include the words "any property" or not, where it first appears in section 1 if you also strike out "any person," for thereby you would make any act of force for the purpose of injuring or destroying the Government a crime; such an amendment, in a section so closely drawn, would necessitate a careful rephrasing of the section. I call your attention to one of those cases of June 2, where they got the wrong house; they did not place the bomb under the house of the Federal officer. In the Pittsburgh case they blew up the house of Judge Thompson's neighbor; they made a mistake as to where he lived. And that was physical force against property—not against the person of Judge Thompson. It might be difficult to say that it was directed against Judge Thompson, because it was not his house, and yet it was perfectly plain that an error had been made; Judge Thompson had been seen in that house during the day, and that led the anarchists to think that was the place to get at him. It seems much better to me to leave the words in the section.

Mr. REAVIS. Yet it was the utilization of physical force with the intention of preventing the proper functioning of the Government, and with the idea of overthrowing it?

Attorney General PALMER. Yes.

Mr. REAVIS. And would not section 1 of this bill reach the malefactor, whether the word "property" was used in it or not?

Attorney General PALMER. Well, it would, in most cases.

Mr. HUSTED. Is there not ample authority now, under State law, or under Federal law, to reach all crimes of violence, either murder or crimes not resulting in death, and is not the only thing that you want to reach really the advocacy of force and violence? Is that not what you want?

Attorney General PALMER. The Federal Government should not be required to look to State laws for its own protection; only a few have adequate laws for such purpose and their administration are by State officers. The Federal laws are insufficient to cover the cases I have mentioned.

Mr. HUSTED. That is the only thing that is not covered now by existing law?

Attorney General PALMER. Yes; the commission, the attempt to commit, and the threat to commit an act of violence with the intent

defined by the act is what I am now trying to reach, together with the promoting of such acts.

At the same time, I think that while murder is a crime under the statute of every State, and the destruction of private property with the intention of committing murder is also a crime, the Government of the United States ought to make it a crime against the Government, where the purpose of it is to injure or destroy the Federal Government.

Mr. GARD. How would you interpret the words, in line 12, "threatens to commit"? Would you hold that to be complete, without any accompanying act, but just the use of words in the threat?

Attorney General PALMER. Yes, sir; assuming the intent to be clear. For instance, if that red circular which was distributed on June 2, and part of which I read to the committee, had been delivered to a Government officer it would have constituted a threat to commit an act of force or violence with intent to injure or destroy the Government of the United States, whether it was carried into execution or not. Indeed, what I would like would be to have the law in such shape that we could prevent the execution of the crime by stifling and punishing the threat.

Mr. GARD. Would you punish the spoken word, then, under this phraseology: "Threatens to commit"?

Attorney General PALMER. Yes.

I do not know that I have anything further to add, Mr. Chairman.

The CHAIRMAN. Let me ask you this question: Section 3 of your bill provides for deportation. Should that be in the form in which it is written? It makes it obligatory upon the Secretary of Labor to deport any man who may be convicted under the act. Suppose he was convicted; he might be fined \$100 or imprisoned for 30 days. The penalty would depend entirely upon the situation that developed before the court. Should that man be deported as a matter of course or should there be some discretion on the part of the judge in regard to deportation?

Attorney General PALMER. I think that is there; he must be deported in the manner provided by the immigration laws then in force. The immigration laws give the deportee a right to be heard.

The CHAIRMAN. That is true, but if it appears that he has been convicted he must be deported.

Attorney General PALMER. And he has the right to go into court under a writ of habeas corpus to test the steps in his hearing.

Mr. STEELE. But deportation is imperative under this language.

The CHAIRMAN. Yes; it makes deportation imperative.

Mr. STEELE. Well, that only relates to the execution of it.

Attorney General PALMER. I think that gives him all the rights of the immigration laws; while the Secretary of Labor must deport that person, he must do it in the manner prescribed in the immigration laws; he must do it after all the rights and all the hearings that that requires are given. If you wish to vest the Secretary of Labor with discretion in such cases and remove all doubt about it, some simple amendment would effect that.

The CHAIRMAN. But that law would only require proof of the fact that he had been convicted under this proposed act, and thereupon deportation follows as a matter of course.

Mr. STEELE. What the chairman means is, should there be any discretion with the court as to whether he should be deported or not?

Mr. HUSTED. Is there any discretion under the existing deportation law?

Attorney General PALMER. I think not, except as to the sufficiency of the evidence.

Mr. HUSTED. And would not a man who committed any of the offenses set forth in this bill be amenable to the deportation laws as they exist at the present time, even if this deportation section was not written into the law?

Mr. STEELE. This makes a new crime which is punishable by deportation.

Attorney General PALMER. There is hardly any difference in the elements of an offense under the act and the elements necessary to warrant deportation in kindred cases under the proceedings of the Department of Labor; and all that this does, if your interpretation of it is correct, is to substitute the judgment of a court on legal evidence in a criminal case for the judgment of the Secretary of Labor in an informal hearing.

The CHAIRMAN. What I had in mind was this: Might not this be a very extreme penalty in some cases?

Attorney General PALMER. Deportation?

The CHAIRMAN. Yes. A case might arise where the court would consider that a sentence of 30 days in the county jail was sufficient. Now, the statute would impose this additional penalty. It is only a question as to the regularity of the proceedings leading up to conviction with which the Secretary of Labor is concerned.

Attorney General PALMER. Well, the present situation is that deportation is the penalty for a certain kind of crime, when committed by an alien. Now, here is a kind of crime which applies to citizens and aliens alike; and the thought is that, no matter what penalty the judge might impose, the man having committed a crime of the same nature as warrants deportation under the statute, the penalty ought to be deportation. It might very easily happen, Mr. Chairman, that a court would give a man only 30 days in jail because he knew the man would be deported immediately after that. There are a number of very minor offenses that are grounds for deportation.

The CHAIRMAN. There might be cases where 30 days in jail would be ample punishment.

Attorney General PALMER. I think this is too serious an offense against the Government to justify a sentence of only 30 days in jail; I think that would be making a travesty of the law.

The CHAIRMAN. Well, while a man may have associated himself with one of these organizations, he may have committed no particular crime; he may have been negligent rather than active. And the court might find that, having become liable for remaining a member of this forbidden association, he is subject to a penalty; still the court might feel very reluctant to deport the man. Deportation is a very severe penalty.

Mr. HUSTED. Has the Secretary of Labor any discretion under existing law?

The CHAIRMAN. I do not think so.

Mr. HUSTED. If an offense has been committed under this bill, the deportation of the offender must take place.

The CHAIRMAN. That is what I mean; it includes cases where a person may simply belong to an anarchist organization?

Attorney General PALMER. Yes.

The CHAIRMAN. And in those cases he is supposed to be a confirmed criminal?

Attorney General PALMER. Well, it is a little more than that. I think I have the deportation statute here, and I will read from that:

That aliens who are anarchists; aliens who believe in or advocate the overthrow by force or violence of the Government of the United States or of all forms of law; aliens who disbelieve in or are opposed to all organized government; aliens who advocate or teach the assassination of public officials; aliens who advocate or teach the unlawful destruction of property; aliens who are members of or affiliated with any organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States, or of all forms of law * * *

Sec. 2. That any alien who, at any time after entering the United States, is found to have been at the time of entry, or to have become thereafter, a member of any one of the classes of aliens enumerated in section 1 of this act—

Which I have just read—

shall, upon the warrant of the Secretary of Labor, etc., be deported.

Mr. IGOE. I think we have another statute requiring deportation, where the alien has been convicted of certain offenses. I do not know whether there is a penalty or not.

Mr. HUSTED. Does not the section that the Attorney General has read cover every offense set forth in this bill?

Attorney General PALMER. If a man is found to come under this deportation statute, there would be no alternative as long as the deportation statute remains on the books. He would have to be deported, whether the same thing were covered by the so-called sedition law or not.

I want to add one thing, Mr. Chairman, to what I have said. A great many very good people, in opposing this kind of legislation generally, both in written statements and in oral statements before the committee, have compared it with the infamous alien and sedition laws of 1798.

Of course, it is unnecessary for me to call the attention of this committee to the fact that the words "force and violence" were never employed in the sedition law of 1798 at all. The alien law made it possible for the President of the United States to send out of the country anybody whom he believed to be a menace to the peace or order of the United States; and the sedition law made it a crime for a man to say anything, or write or print anything, which would bring the Government of the United States, or the Congress of the United States, or any branch of the Government, into disrepute in the public mind.

Of course, if that were the law to-day, all of us men who engage in political discussion would engage in it from behind the bars of prisons, because we would not be able to say anything of the kind of talk that we indulge in in these days in America.

The CHAIRMAN. Anyone that would be doing that would be slandering the Government or libeling it under that act, and would make himself liable?

Attorney General PALMER. That is correct.

Mr. HUSTED. Do you not think that, for mere reasons of practical psychology, it is rather unwise to use the word "sedition" in the bill, on account of its popular content? Everybody in the country, practically, is against anarchy?

Attorney General PALMER. Yes.

Mr. HUSTED. Every decent man is opposed to the advocacy of the destruction of our Government by force and violence. Now, if you use the term "anarchy" instead of the word "sedition," you avoid that unpopular signification or expression.

Mr. STEELE. The idea being that the offense would be just as sweet under another name? [Laughter.]

Mr. HUSTED. Well, in the popular mind there is a content of the word "sedition" which means repression and interference with freedom of speech and freedom of the press.

Attorney General PALMER. There is some force in that, and it was most carefully considered at the time the bill was drawn. And yet, after all, the act that Congress passes is going to be judged by its terms and not by its name. If it is merely an act, as I think it ought to be, based on actual, attempted, or threatened physical force or violence to change, overthrow, or destroy the Government of the United States, whether directed against person or property, a crime, I think it will go a long way in making it possible for us to maintain peace and order in the country and will do nothing whatever toward further enlarging the unrest and discontent which, of course, is in the country at present.

I do think, if you go beyond those lines you lend justification to orators of the ultra-radical class to preach against the repressive legislation passed by the Congress of the United States. I think that the free dissemination of ideas is the very salvation of the Republic. I think that men ought to be permitted to talk, and talk, as much as they will.

It was one of the most interesting things, I think, in the early days of the war, to see the men of Great Britain marching up and down the streets of London, and every other great city, with camp stools under their arms; and stopping on the street corners and getting up on the camp stools to speak to their fellow citizens about the action of the Government and the principles of the great war. It was to the glory of the Anglo-Saxon idea of government that men could do that kind of thing in the very heat of the discussion about the conduct of the greatest war that the world has even known. I think the future of our country depends upon that sort of thing more than upon anything else in the world.

But free speech is not unbridled speech. Free speech is not license to say anything, and not suffer the consequences. I would let a man talk, but I would make him responsible for the intended consequences of what he says. If in action, speech, or writing his intent goes to the extent of causing forcible wrecking of our American institutions, I would punish him.

A man may say what he will, as has often been said; but if he cries "fire" in a crowded theater, with the intent to injure the people there assembled, certainly his right of free speech does not protect him against the punishment that is his just desert.

Now, I think this simple act of Congress that we have here presented contains none of the dangers or menaces that men urge against some other pieces of legislation designed to meet this situation.

I believe it to be necessary to the continued peace and order in the country; and I sincerely trust that something along that line, and no more severe than that, in the general common interest, shall be reported by this committee and adopted by the Congress.

Mr. GARD. Are there any more witnesses to be heard, Mr. Chairman?

The CHAIRMAN. Not any more to-day; there will be a meeting Friday.

Mr. RALSTON. Mr. Chairman, I would like to offer something in opposition to this proposed legislation. I could do it to-morrow or Friday. Mr. Kane, for instance, late United States district attorney in Philadelphia, desires to be heard.

The CHAIRMAN. That can be arranged for later.

(Thereupon, at 12 o'clock noon, the committee adjourned).

(The exhibits referred to follow:)

EXHIBIT A.

PLAIN WORDS.

The powers that be make no secret of their will to stop, here in America, the world-wide spread of revolution. The powers that must be reckon that they will have to accept the fight they have provoked.

A time has come when the social question's solution can be delayed no longer; class war is on and can not cease but with a complete victory for the international proletariat.

The challenge is an old one, oh "democratic" lords of the autocratic republic. We have been dreaming of freedom, we have talked of liberty, we have aspired to a better world, and you jailed us, you clubbed us, you deported us, you murdered us whenever you could.

Now that the great war, waged to replenish your purses and build a pedestal to your saints, is over, nothing better can you do to protect your stolen millions, and your usurped fame, than to direct all the power of the murderous institutions you created for your exclusive defence, against the working multitudes rising to a more human conception of life.

The jails, the dungeons you reared to bury all protesting voices, are now replenished with languishing conscientious workers, and never satisfied, you increase their number every day.

It is history of yesterday that your gunmen were shooting and murdering unarmed masses by the wholesale; it has been the history of every day in your régime; and now all prospects are even worse.

Do not expect us to sit down and pray and cry. We accept your challenge and mean to stick to our war duties. We know that all you do is for your defence as a class; we know also that the proletariat has the same right to protect itself, since their press has been suffocated, their mouths muzzled, we mean to speak for them the voice of dynamite, through the mouth of guns.

Do not say we are acting cowardly because we keep in hiding; do not say it is abominable; it is war, class war, and you were the first to wage it under cover of the powerful institutions you call order, in the darkness of your laws, behind the guns of your boneheaded slave.

No liberty to you accept but yours; the working people also have a right to freedom, and their rights, our own rights, we have set our minds to protect at any price.

We are not many, perhaps more than you dream of, though but are all determined to fight to the last, till a man remains buried in your bastles, till a hostage of the working class is left to the tortures of your police system, and will never rest till your fall is complete, and the laboring masses have taken possession of all that rightly belongs to them.

There will have to be bloodshed; we will not dodge; there will have to be murder; we will kill, because it is necessary; there will have to be destruction; we will destroy to rid the world of your tyrannical institutions.

We are ready to do anything and everything to suppress the capitalist class; just as you are doing anything and everything to suppress the proletarian revolution.

Our mutual position is pretty clear. What has been done by us so far is only a warning that there are friends of popular liberties still living. Only now we are getting into the fight; and you will have a chance to see what liberty-loving people can do.

Do not seek to believe that we are the Germans' or the devil's paid agents; you know well we are class conscious men with strong determination, and no vulgar liability. And never hope that your cops, and your hounds will ever succeed in ridding the country of the anarchistic germs that pulses in our veins.

We know how we stand with you and know how to take care of ourselves. Besides, you will never get all of us, and we multiply nowadays.

Just wait and resign to your fate, since privilege and riches have turned your heads.

Long live social revolution! down with tyranny.

THE ANARCHIST FIGHTERS.

EXHIBIT B.

MEN OF THE ARMY FAREWELL!

Men, the work of demobilizing the Army is now in progress. According to published statements, you will be given your choice of being returned to the points from which you were taken or of remaining in the district in which the cantonment where you have been encamped is located.

Men, since you have been in the great military camps you have learned and unlearned many things. Some of you were taken from great industrial centers where you labored in great factories, on railroads, or in mines, and with thousands of other workers you socially operated the industries for the benefit of those who own them.

Many of you were taken from small cities and towns where industry is carried on in a smaller way and the social nature of production is not so apparent as in the larger industrial centers.

Thousands of others were taken from small villages, hamlets, and farms in which, aside from agriculture, there is no industrial production, and workers live and labor in almost complete isolation and with little knowledge of the great industrial world by which they are surrounded.

Men, no matter from whence you were taken, your old life has been broken and when you leave the great military camps you will look upon the world in a different way and you will find conditions greatly changed to what they were before you were put into the service.

Men, you have been brought together in large numbers, and you have noticed that while you may differ in some physical details, you look pretty much alike, and you have observed after becoming acquainted and comparing notes, that the vast majority of you come from one particular part of society—the working class part.

Men, you have been drilled, disciplined, and taught to obey; to you who were taken from the great industries, this was nothing new; but those who were taken from the smaller towns and rural parts of the country it was a new experience.

Men, you have learned to act together, you have had practical lessons in concerted, orderly action to gain a definite objective: This has been drilled into you.

Men, you were taken from the ranks of the workers, and, no matter whether you are sent back to where you were taken from or remain in the neighborhood where you now are, you go back to the ranks of the workers, and you must get work; you must find jobs. Notwithstanding the promises held out in daily papers, magazines, etc., about providing jobs for returned soldiers, you will find that you will have to compete with thousands of other workers for a decreased and ever decreasing number of jobs. You will find that notwithstanding their glowing promises, employers do not give jobs to workers because they love them. Industries are run for profit and the workers produce the profit.

Men, on your discharge from the Army and return to the ranks of the workers you will find the owners of the great industries organized into great industrial unions, ready to take full advantage of the great army of unemployed

that is now developing due to the closing down of war industries, and these organized owners of industries will use their industrial power to take every possible advantage of the workers.

The employers will endeavor to use you to protect their interests; they will incite you to mob, beat up, and murder the members of your own class. They will use every effort to arouse and enrage you, appealing to your "patriotism" and waving the "red" flag. When you have served the purpose of the employing class, you will be thrown aside, and if you in your turn struggle for better industrial conditions you will receive the same treatment that you helped to give to the members of your own class.

Men, you are going back to the working class from whence you came and to which you belong. Your economic interests are the same as all other workers, no matter what color or where they were born. You are all workers seeking jobs from those who own industries; when you get jobs you are paid wages, which is a part of the wealth you have produced; the employers take all and hand the workers back just as little as possible; the less the workers get the more the employers have. The boss can close down the industries when it suits his purpose, and you will have to hunt another job; you do not have to work for any particular employer, but you have got to work for some employer, some job owner in the class of employers, otherwise you must beg or steal, and in either event you are liable to be sent to jail. In short, you, like all members of your class, are wage slaves. Are you content to be a wage slave?

You were put in the Army, it has been stated, to fight for "democracy and freedom." Don't you think it is time for you to realize the fact that you are not free and that it is up to you to line up with your class and help it to fight and win industrial freedom right here in the United States?

Men, since you have been in the Army you have seen how organization is perfected, how one part fits into the other, each performing its share of the work, just as a huge machine. One part of the same Army does not fight the other; while it is divided into different units, it is not separated into exclusive, warring groups, each fighting one section of the common enemy on its own hook, while the common enemy puts up a solid front and fights and defeats its divided, separated opponent. An army divided against itself is a beaten army.

The world's industrial workers must organize on the same principle—into industrial unions, each union subdivided into branches corresponding to the departments of the industry, and all branches of an industry brought together in an industrial department, while the industrial departments are brought together in a great industrial army called the Industrial Workers of the World, in which the working class is organized to present a solidly organized front to the industrially organized employing class.

This great industrial union of workers is organizing for the purpose of obtaining all possible immediate benefits for the working class—shorter work-day, improvements in working conditions, more money, wages, etc.—all of which are but steps to the taking possession by the working class of the industries which that class now operates but does not own; we take just as much as we have the organized industrial power to take and to hold.

The world's industrial workers must recognize their common class interests and organize.

The world's industrial workers must organize intelligently and scientifically on industrial lines, not only to carry on the every-day battle of the working class, not only to take possession of the world's industries, but to carry on production when the present wage-slavery system is abolished.

That is what the Industrial Workers of the World is organized for; as it tears down the old rotten capitalistic economic system, through organized direct economic action it lays the foundation for a new system and in the shell of the old builds the structure of a new society—the Workers' Industrial Republic.

Men, you are intelligent and are able to do your own thinking; examine these facts for yourself; do not be led astray by misrepresentations and falsehood. Find out what your class interests are and act in accordance therewith.

Get the literature of the I. W. W., read, think, and act.

Men of the Army, farewell!

Members of the working class, greeting.

EXHIBIT C.

Thoughts on social revolution.

(Not an editorial.)

AUGUST 28, 1919.

An ever-increasing number of workmen are beginning to realize the fact that the only sure road to freedom is the road of social revolution. But this is not enough. Workmen should without a delay begin to prepare for social revolution, for the upheaval—to quote P. L. Lavrov—to which contemporary socialists are striving, can not be accomplished by legal means; the only way, therefore, by which socialism can be brought into force is social revolution. The governing political forces, as well as those that wield industrial wealth and resources, are busily preparing the means for a deadly resistance to any and every attempt the workers may make to get rid of the political and industrial yoke. There is no limit to their beastly abandon and rabid fierceness when they see their fate approaching. It will suffice to mention their revenge on the Paris communars, the orgies of Nicolas, Holypin & Co.

Supporting themselves on those hired and drafted "for service," the disciplined murderers, they issue orders to kill the workers even when the latter merely misbehave a little, never even dreaming to seize the means of production or of the destruction of government.

It is therefore useless to think that they will ever tolerate a state of things where the workers would openly arm themselves with the view of offering resistance to the armed killers.

They strive to rule, to live a life of luxury at the expense of the toiler. They will not give up willingly their grab. No one will offer the workers anything of value. They will receive nothing but what they themselves manage to wrest away. F. H. Babeuf was right when he said "all that is great and worthy of the people can be realized only by the people themselves and no one else."

"It is self-understood," wrote Lavrov "that the rulers of the world and the helmsmen of the existing governments will not step down and renounce willingly their comfortable positions. They will employ all their tremendous resources and the resources of the existing state organizations, which are completely loyal to their interests, in the defense of their power. Workers, communism can not be brought about by means of a legal reform, the only road which will lead to this is the road of social revolution."

"Against that physical force which is barricading our way," observes Malatesta, "we can do only one thing, and that is, turn to physical force, a violent revolution."

Only social revolution can free the worker and only the working class can "put over" a social revolution. There are no legal means, nor can there be any whereby true liberty could be obtained, for the laws are the products of those that favor and defend the existing order of things.

By the word "social revolution" we mean a complete destruction of the present order and not merely the transfer of government power into the hands of social democrats; in other words, not with a view of intrusting the political minority with the power we came out to destroy, a dream cherished by the social Jacobins. You can not call a set of reforms, whatever they are, a revolution; you can not apply this term to a play at parliamentary combinations.

Social revolution in its first phase is an armed insurrection. We might as well call it by its real name right from the beginning instead of applying terms which are much better suited to the various other social movements.

The best definition of the term "social revolution" has been made by Lavrov: "Whatever other attributes you may add to the train of social revolution," he writes, "one must be positively certain and it is this: It must begin and begin immediately, with the turn over of all possessions, private and state, to the common control. All resources should be declared common property," wrote this scholar.

Complete destruction of private control of natural resources and capital, complete destruction of power to rule, and the institutions invested with powers to enforce the rule of one man over another, those are the outstanding features of social revolution.

EXHIBIT D.

GO-AHEAD.

The senile fossils ruling the United States see red!

Smelling their destruction, they have decided to check the storm by passing the deportation law affecting all foreign radicals.

We, the American anarchists, do not protest, for it is futile to waste any energy on feeble-minded creatures led by His Majesty Phonograph Wilson.

Do not think that only foreigners are anarchists, we are a great number right here at home.

Deportation will not stop the storm from reaching these shores. The storm is within and very soon will leap and crash and annihilate you in blood and fire.

You have shown no pity to us! We will do likewise.

And deport us! We will dynamite you!

Either deport us or free all!

THE AMERICAN ANARCHISTS.

EXHIBIT E.

TO ARMS, COMRADES!

Time and again you have been foolish enough to ask or to expect the present exploiting system to go out of existence peacefully.

Day after day the upholders of this exploitation—the Government, have murdered, crippled, and imprisoned thousands of our fighters, while you were answering with paper protests.

But what has happened all over the country on Friday, November 7, 1919, when hundreds of our comrades were brutally crippled, assaulted, beaten up and then arrested by the wolfish, degrading, cowardly, dirty, thug-armed beasts of the Government, ought to open the eyes of every rebel worker who struggles for the overthrow of this system, that it is time to change the methods of fighting our murderous enemies!

Open meetings of revolutionary organizations must stop, instead of which all must resort to conspirative meetings in czaristically Russianized America, as in the olden days of czarism.

We must also be prepared so that when our conspirative gatherings are attacked, no such horrible scene as on the Bloody Friday of November 7, 1919, should be repeated without bloody—yes! bloody revenge! We must spend our last money on acquiring guns and ammunition and learn how to shoot—and to shoot into the beasts who would dare to attack us!

We trust that our comrades of Russia will reiterate on American officials and in this manner avenge the murderous attacks on their Russian brothers who are kept by force in this country and are not permitted to return home.

We must unite secretly, call strikes in all industries, begin to seize all food stores and factories, attack with any weapon you can—capitalism and its upholders.

Carry on the struggle of the social revolution until capitalism's exploitation system, Government's murder rule, religion's hypocritical assent to these outrages, together with the daily kept press of the entire country are all destroyed for ever, and in its place establish the anarchist commune society, based on real freedom.

Capitalism through its government has by its Bloody Friday started the spark of the social revolution in America, and it is up to us, the rebelling workers, to keep the spark burning, until victory is ours—and victory will only come by our beginning to use all weapons of force which we can lay hold of, in fighting our enemies!

To arms! rebelling workers of America!

AMERICAN ANARCHIST FEDERATED COMMUNE SOVIETS.

EXHIBIT F.

ARM YOURSELVES!

The autocratic barbaric suppressions and imprisonments of this self-called "democratic" country has been within the last two months really Russianized as in the olden days of czarism!

Striking workers in all the industries, especially in the steel industry, are being killed and wounded to death daily by the police, soldiers, sailors, spies, and "special deputies," all henchmen of the Government which are the sole upholders and protectors of capitalism!

A peaceful parade on Wednesday, October 8, 1919, to protest against the Allies and United States hypocrisy, dishonesty, and murderous starvation blockade on revolutionary Russia, was brutally attacked. Men, women, and children have been clubbed and trampled upon by mounted-police murderers!

After such a murderous pogrom on people who thought that they had at least the liberty to walk on "their" streets, capitalism's leading prosecutor, A. Rorke, against you workers, had the shameful, brazen audacity to say: "We are trying to find out whether there was a deliberate attempt to create a riot."

There was a "deliberate attempt" not only made but also carried out by the order of this dirty scoundrel himself, who dared yet afterwards to arrest some of those whom his cohorts have so unhumanly attacked!

Since the Government has czaristically Russanized its methods in clubbing and murdering you whenever you raise your voices in protest against injustice or dare to go out on strike, there remains for you, the workers, only one thing left, and that is to arm yourselves!

We therefore call upon you, the striking steel workers, and of every other industry, to arm yourselves for to uphold your rights as free human beings, just as much as capitalism through its Government is armed and attacks you in order to keep you in slavery.

And from now on all of you workers who intend to go out marching on "your" streets will know that you shall never go out again—unless you will be armed to repulse those that will dare to attack you!

We appeal to you soldiers, sailors, and police who can think to refuse clubbing the workers who struggle to liberate themselves from the present economic slavery; but those of you who will refuse to be with the workers had better find out what used to happen to such in Russia when czarism was in its full swing, as it is at present in this country!

Especially we would urge those otherwise leading henchmen of this city—Rorke, Weeks, Gegan, and their like—that they may as well drop their "high positions," for they will have to pay the price for every worker killed or wounded!

Workers of America, begin to arm yourselves and fight back in the same manner as you are being attacked!

The bloody war of capitalism, through its Government, against you, its workers, is on!

Therefore be not the meek, submissive slave any longer. Arise and start to fight back until you who produce the commodities of life shall also own and enjoy them, then you will have no more wars and bloodshed, for capitalism, Governments, churches, and the kept press will have been destroyed forever, and in its place we shall have the new society of brotherhood, equality, and happiness—the anarchist commune society!

AMERICAN ANARCHIST FEDERATED

COMMUNE SOVIET OF NEW YORK CITY.

EXHIBIT H.

To the working people of America:

The war is over. Your exploiters have quickly placed their profits in safety.

You, the working slaves, will soon find yourselves on the streets, facing a hard winter, looking for work, for it is your only means to supply yourselves with the necessities of life. Because you lack the courage to use other methods!

You have tolerated all the moral and physical slaveries during this war.

When you dared open your mouths in protest you were quickly railroaded to jail.

What were your profits out of this war? You lost all the little of liberty you had and you gave your sons, brothers, and fathers away to be shot down like dogs and left to rot in the fields of France!

For what?

For the glory of the American flag!

So that your masters may have bigger markets to sell their merchandise and exploit other people like you.

The workers of Russia, Germany, Austria, and other countries have risen and have overthrown their rulers.

Not by ballots, but by arming themselves, as it is your only means. You alone do not budge. Are you afraid to follow their example? Are you afraid to take by force what rightfully belongs to you?

Will you be meek and slavish? Will you wallow under the iron heel of your masters?

Or will you tear your way by the revolution to a better and happier life? Which will you choose?

A GROUP OF WORKING MEN.

EXHIBIT I.

PROCLAMATION ISSUED BY THE COMMUNIST PARTY OF AMERICA, LOCAL GREATER NEW YORK.

To the striking longshoremen:

Longshoremen! Sixty thousand of you are out on strike. You struck against the bosses and the Government Wage Adjustment Board. You also struck in defiance of the union officials. You are striking against the "scab unionism" of the American Federation of Labor. The Wage Adjustment Board refused to grant your demands. Your leaders urged you to remain at work. Strike means victory; arbitration means defeat. Your leaders wanted arbitration. Angered beyond endurance at the board's award and the treachery of your leaders you walked out. Your officials are breaking your strike. The prostitute press is trying to break your strike. The bosses, with the able assistance of your leaders, and the Government are preparing to break your strike. You are determined to stay out.

Workers! You have repudiated your leaders. You have repudiated your scab form of American Federation of Labor unionism. You must form a transport workers' industrial union. Unite with the striking expressmen, stevedores, ferry workers, deck-hands, platform men, truck drivers, chauffeurs, freight handlers, etc.; unite with all those who are employed in the transportation industry for one big industrial transport workers' union. Already the shipping is advertising that it will protect scabs at 75 cents an hour. The Government will send soldiers to take your places. Some are doing this dirty work already; 18,000 more soldiers are on the way. Before the war the bosses hired their strike breakers from strike-breaking agencies.

Now they use the Army itself as a strike-breaking agency.

Do you see whose Government this is? The bosses own the State—its Army, its police, its press. The Government Wage Adjustment Board represents the State. Did it decide in your favor? The Army is being sent to the piers. To protect you or to scab on you? The police! Whose heads are they going to crack when you go on the picket line—yours or the scabs'? The press! Whose side are the newspapers taking—yours or the bosses? Don't you see that the bosses own and control the whole governmental machinery? Did you ever receive a square deal from the bosses?

How, then, can you expect to receive a square deal from the bosses' Government? The Government will place squads of soldiers at the piers with rifles and machine guns to shoot you down. If you hold your ground they will establish martial law; they will break up your meetings, raid your homes, arrest you—just as they are doing to the steel strikers in Gary now. In other words, they will try to crush your spirit, break your solidarity with your fellow workers and send you back to work like a lot of beaten dogs.

Will you submit tamely to all this? Forming an industrial union will of itself not solve your problems. It is only a step. Going to the polls on election day will not bring you victory. Don't expect politicians to free you from capitalism and misery. Depend upon yourselves. The only way is to get rid of the present bosses' Government and establish a workers' government in its place. A workers' government like the soviet republic of Russia. The present Government is a government of the capitalists, by the capitalists, for the capitalists. You must aim for the establishment of a workers' republic of workers, by the workers, for the workers.

Look over the whole country to-day. What do you see? Strikes! Strikes! Nothing but strikes! You are on strike. The steel workers are on strike. The expressmen are on strike. The machinists are on strike. The shipbuilders

are on strike. The lumbermen are on strike. The bricklayers are on strike. The carpenters are on strike. The tailors are on strike. Every industry is tied up with strikes. The coal miners will have a general strike on November 1. The railroad workers may break out any day against the Government anti-strike law. These workers are all striking for the same reason.

They can't get along on the wages they get. They must get more, but the bosses who made huge fortunes out of the war and the miseries of the poor refuse to give it to them. The cost of living is rising higher and higher. A dollar to-day is worth less than 50 cents before the war. The whole rotten system is going to pieces. The struggle between the workers and the capitalists is going on all over the world.

There is only one way out for the workers of America. The workers must capture the powers of the State. They must conquer the means by which the capitalist class maintains itself in power. The answer to the dictatorship of the capitalists is the dictatorship of the workers.

All power to the workers.

EXHIBIT J.

To You Workers of America, Colored or White:

Within the last few weeks we have been witnessing bloody race riots between colored and white workers in different parts of the country, which has so far resulted in the murdering of many workers, colored as well as white, and at the present moment it seems that these riots will spread, thus increasing the dead toll to still higher numbers.

What are the reasons for these outbreaks? The main reason seems to be that the colored workers have come in large numbers into the big cities, from the South, and lowered the wage scale on the labor market, or replaced the white workers, a thing which mostly affects at present the returned soldier.

But is it only the uneducated colored worker that is to blame for this slavish attitude when they didn't have the chance to develop and organize themselves?

When such an organization as the American Federation of Labor has constantly boycotted, sneered, ignored, and refused to organize them, is it then any wonder when those colored workers are thereby forced to scab and work for lower wages?

And how about the white exploiting-employer-capitalist, is he not the main cause for it? To him it makes no difference whether the worker he hires is white or colored, Christian or Jew, so long as he gets the work done for the lowest wage possible. We do not blame them for acting so.

Neither do we cure to complain nor blame a government which is so anxious (due to capitalism's orders) to bring about "law and order" in Russia, Mexico, and Hungary, or any other country where workers arise to throw off their backs the hunchback of capitalism, its government, church, and press, and incite to all the race hatred between us workers of different races and color, and at the same time they are merrily looking on, not even attempting to "protect" human life, for which they proclaim their supposed "right" to "exist."

We know that they would shed all the blood they could to stop these riots if they would be by the workers against the exploiters of our enslavement. The thieves of stolen wealth—"private property."

Can't you, the workers and soldiers, colored or white, realize that when we are killing one another it only benefits capitalism and helps to keep them in richness, while we are suffering in want and misery?

Don't you see how smilingly glad they are looking on, when seeing that instead of us, the workers of all creeds and colors, fighting for our freedom, we are fighting between ourselves? Instead of avenging the bloody daylight murders of Dayton, Ohio, or Rome, N. Y., we, the workers, are murdering one another! Will this help us, the workers, in our struggle to liberate ourselves from the present slavery?

We especially appeal to you, the soldiers and sailors, white or colored, who are finding yourselves jobless, to think and then realize that killing the worker that is forced to take your job will never remedy the conditions.

It is only by killing the present system of slavery that the question of "jobs" will be solved forever, for this country is large enough to make it possible for all of us willing to do our share of work, to live in happiness, but before we accomplish this we must organize into worker's commune soviets in all industries. By our united strength we, the workers, of all colors and creeds, shall

start the real worth-while war, for the overthrow of the entire capitalist system and the taking over of all the industries, farms, and warehouses of the country, whereby we will produce for ourselves, and where each one will have what he needs, without having to hunt or kill one another in order to get a "job."

If blood will have to be spilled in order to enable us to accomplish this, then let it never again be the blood shed by worker against workers, but let it be the blood of capitalism, its government, church, and press, that will attempt to prevent us, the workers, from freeing ourselves of the present slavery and our retaking of all the wealth we have produced and been robbed of.

If battles must be fought, if riots must take place, if blood must be shed, in order to destroy the present slavery, then let us do it, and by our united strength start the real war—the social revolution.

AMERICAN ANARCHIST FEDERATED COMMUNE SOVIETS.

EXHIBIT K.

STATUS OF THE COMMUNIST PARTY UNDER THE ACT OF CONGRESS APPROVED OCTOBER 16, 1918.

(A) FEDERAL STATUTE APPLICABLE TO THE COMMUNIST PARTY.

The act of Congress approved October 16, 1918, amending the immigration laws of the United States, provides among other things that (1) aliens who disbelieve in or advocate or teach the overthrow by force or violence of the Government of the United States shall be deported; (2) aliens who are members of or affiliated with any organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States shall be deported.

(B) PROPOSITION.

The Communist Party is an organization advocating and teaching the overthrow by force or violence of the Government of the United States and members thereof believe in and advocate and teach the overthrow by force or violence of the Government of the United States.

(C) INTRODUCTION.

During the year of 1918 a considerable amount of dissension arose in the Socialist Party between the conservative and extreme elements. In a subtle and discreet manner an ultrarevolutionary movement gained headway within the ranks of the Socialist Party of America, with the result that on November 7, 1918, a Communist propaganda league was organized and established a publication, *The Revolutionary Age*. In this publication an agitation was started against the so-called "reactionary Socialists," but, with the exception of the Foreign Language Federation, it met with but little response for some months. The pages of the *Revolutionary Age* called upon the Socialist Party to adopt the revolutionary communist tactics. In February, 1919, there was organized in New York City the left-wing section of the Socialist Party. On February 16, 1919, the foreign language branches and a few of the English branches of the left-wing section issued a manifesto to the members of the Socialist Party. Attached hereto and marked as "Exhibit 1" is a copy of the manifesto of the left-wing section of the Socialist Party. Examination of the manifesto throws considerable light upon the purposes of this organization, which later grew into the Communist Party.

I shall now set forth certain extracts taken from the manifesto as illustrative of its purposes:

"Revolutionary Socialists hold, with the founders of scientific socialism, that there are two dominant classes in society, the bourgeoisie and the proletariat; that between these two classes a struggle must go on until the working class through the seizure of the instruments of production and distribution, the abolition of the capitalist state, and the establishment of the dictatorship of the proletariat, creates a socialist system. Revolutionary Socialists do not believe that they can be voted into power. They struggle for the conquest of power by the revolutionary proletariat."

It will thus be seen that it is expressly stated that the revolutionary Socialist planned to seize the instruments of production and distribution and the abolition of the capitalist state.

"Between the capitalist society and the communist lies the period of revolutionary transformation of the one into the other. This corresponds to a political transition period, in which the State can not be anything else but the dictatorship of the proletariat * * *."

"We assert with Marx that the 'class struggle is essentially a political struggle,' and we can only accept his own oft-repeated interpretation of that phrase. The class struggle, whether it manifest itself on the industrial field or in the direct struggle for governmental control, is essentially a struggle for the capture and destruction of the capitalist state. This is a political act. In this broader view of the term 'political' Marx includes revolutionary industrial action. In the sense that it aims to undermine the bourgeois state, which 'is nothing less than a machine for the oppression of one class by another and that no less so in a democratic republic than under a monarchy.'"

Particular attention is to be noted of the doctrine of Marx, wherein it is specifically stated that not only will the class struggle manifest itself on the industrial field but that it will also direct its energies toward the struggle for Government control and for the capture and destruction of the capitalist state. Attention is particularly called to this expression of Marx's for the reason that communists often allude to their propaganda and program as being political and, therefore, not a violation of the present Federal statutes. It will be noted, however, that Marx, the spokesman of communists and the formulator of the original communist manifesto explains the class struggle as being an essentially political struggle in that its end is the destruction of the political state, but that the means of accomplishing such an end is not to be accomplished through political means, but by direct and mass action.

"Political action, revolutionary and emphasizing the implacable character of the class struggle, is a valuable means of propaganda. It must at all times struggle to arouse the revolutionary mass action of the proletariat—its use is both agitational and obstructive. It must on all issues wage war upon capitalism and the state. Revolutionary socialism uses the forum of Parliament for agitation, but it does not intend to and can not use the bourgeois state as a means of introducing socialism: this bourgeois state must be destroyed by the mass action of the revolutionary proletariat. The proletarian dictatorship in the form of a soviet state is the immediate objective of the class struggle.

"Marx declared that 'the working class can not simply lay hold of the ready-made state machinery and wield it for its own purposes.' This machinery must be destroyed. But 'moderate socialism' makes the state the center of its action."

From the above quotations we again see that the left wing section of the Socialist Party in February of 1919 stated that the bourgeois state must be destroyed by the mass action of the revolutionary proletariat. Later in this brief, a detailed explanation of mass action will be given, but it is illuminating to note that the word "destroy" runs throughout the first manifesto issued by the left wing section of the Socialist Party, and it is conceded by all parties concerned that the reference to the bourgeois state refers to the Government of the United States, as at the present time there is but one state existing in the United States, namely, the Government, and as will be pointed out later, "the state" is synonymous with "capitalist state" and "bourgeois state."

It will be noted from the above quotations that the left wing, in its first manifest, advocated industrial action for political purposes and that they place the ballot as a secondary action for propaganda purposes only. After the issuance of the manifesto, the left wing began to take in members and the propaganda intensified, particularly in the foreign languages, and on May 10, 1919, they published the manifesto of the first congress of the communist international held at Moscow on March 2 to 6, 1919. A detailed analysis of this manifesto will later be made in this brief. It is sufficient at this point to state, however, that the manifesto of the third international called upon the proletariat to immediately seize government power and substitute in its place the power of the proletariat, and that mass action with force and violence as incidents thereto was openly advocated. In the list of eligible organizations to participate in the International Communist Congress we find but three names of organizations in the United States as considered eligible for such participation, namely, the Industrial Workers of the World, the Workers' In-

ternational Industrial Union, and the left wing of the Socialist Party. Upon examination of the call for the International Communist Congress we will note the peculiar similarity between the doctrines enunciated in the call of the International Communist Congress and the call of the left wing of the Socialist Party of New York.

Following the issuance of the manifesto of the left wing of the Socialist Party the national executive committee of the Socialist Party commenced to take cognizance of the revolutionary movement within its organization and started counter propaganda. On May 24, 1919, the so-called reactionary section of the Socialist Party convened in Chicago for the purpose of discussing the so-called fraudulent election for delegates to the international congress, and also to discuss the left wing. This conference lasted from May 24 to 29, inclusive, and expelled approximately 6,000 left-wing members from Michigan and 30,000 from the Foreign Language Federations. They also set August 30 for a special convention in Chicago.

This action caused the left wing to issue a call on May 31, 1919, for delegates to attend a national left wing convention to be held in New York on June 21.

This call was responded to immediately, and when this conference convened, on June 21, there were delegates representing approximately 45,000 members. The conference lasted from June 21 to 24, inclusive, the principal discussion being as to whether a Communist Party should be organized at once or whether it would be more advisable to agitate in the Socialist Party until the special convention and then withdraw. It was finally decided to wage a struggle in the Socialist Party until September in order to rally all the revolutionary elements for a Communist Party, meanwhile organizing temporarily as the left-wing section of the Socialist Party. At this time they issued a manifesto and program.

In this manifesto it will be noted that practically the same wording and phraseology is used as was used by the Bolsheviks for the International Communist Congress, which will be analyzed later. The manifesto attacked social patriots scoffing at parliamentary action and advising mass action in conquering, suppressing, and overthrowing the bourgeois State, establishing the dictatorship of the proletariat for the transitory period. The following are some of the extracts from this manifesto, which show the nature of the organization:

"Revolutionary socialism, on the contrary, insists that the democratic parliamentary state can never be the basis for the introduction of socialism; that it is necessary to destroy the producers, which will deprive the bourgeoisie of political power and function as a revolutionary dictatorship of the proletariat.

"But there is a more vital tendency—the tendency of the workers to initiate mass strikes—strikes which are equally a revolt against the bureaucracy in the unions and against the employers. These strikes will constitute the determining feature of proletarian action in the days to come. Revolutionary socialism must use these mass industrial revolts to broaden the strike to make it general and militant; use the strike for political objectives, and finally develop the mass political strike against capitalism and the State.

"The mass strikes of the American proletariat provide the material basis out of which to develop the concepts and action of revolutionary socialism.

"Our task is to encourage the militant mass movements in the American Federation of Labor, to split the old unions, to break the power of unions which are corrupted by imperialism and betray the militant proletariat. The American Federation of Labor, in its dominant expression, is united with imperialism. A bulwark of reaction, it must be exposed and its power for evil broken.

"Our task, moreover, is to articulate and organize the mass of the unorganized industrial proletariat which constitutes the basis for militant socialism.

"The class struggle is a political struggle in the sense that its objective is political—the overthrow of the political organization upon which capitalist exploitation depends and the introduction of a new social system. The direct objective is the conquest by the proletariat of the power of the State.

"Revolutionary socialism does not propose to 'capture' the bourgeois parliamentary state, but to conquer and destroy it. Revolutionary socialism, accordingly, repudiates the policy of introducing socialism by means of legislative measures on the basis of the bourgeois state. This state is a bourgeois state, the organ for the coercion of the proletariat by the capitalist. How, then, can it introduce socialism? As long as the bourgeois parliamentary state prevails, the capitalist class can baffle the will of the proletariat, since

all the political power, the Army and the police, industry and the press are in the hands of the capitalists, whose economic power gives them complete domination. The revolutionary proletariat must expropriate all these by the conquest of the power of the state by annihilating the political power of the bourgeoisie before it can begin the task of introducing socialism.

"Revolutionary socialism, accordingly, proposes to conquer by means of political action—political action in the revolutionary Marxian sense, which does not simply mean parliamentarism, but the class action of the proletariat in any form having as its objective the conquest of the power of the state.

"But parliamentarism can not conquer the power of the state for the proletariat. The conquest of the power of the state is an extraparliamentary act. It is accomplished, not by the legislative representatives of the proletariat, but by the mass power of the proletariat in action. The supreme power of the proletariat inheres in the political mass strike, in using the industrial mass power of the proletariat for political objectives.

"The final objective of mass action is the conquest of the power of the state, the annihilation of the bourgeois parliamentary state and the introduction of the transition proletarian state, functioning as a revolutionary dictatorship of the proletariat.

"*Dictatorship of the proletariat.*—The attitude toward the state divides the anarchist (and anarcho-syndicalist), the moderate socialist and the revolutionary socialist. Eager to abolish the state (which is the ultimate purpose of revolutionary socialism), the anarchist (and anarcho-syndicalist) fails to realize that the state is necessary in the transition period from capitalism to socialism. The moderate socialist proposes to use the bourgeois state, with its fraudulent democracy, its illusory theory of the 'unity of all the classes,' its standing army, policy, and bureaucracy oppressing and baffling the masses. The revolutionary socialist maintains that the bourgeois parliamentary state must be completely destroyed, and proposes the organization of a new state, the dictatorship of the proletariat.

"The state is an organ of coercion. The bourgeois parliamentary state is the organ of the bourgeoisie for the coercion of the proletariat. The revolutionary proletariat must, accordingly, destroy this state. But the conquest of political power by the proletariat does not immediately end capitalism or the power of the capitalists or immediately socialize industry. It is therefore necessary that the proletariat organize its own state for the coercion and suppression of the bourgeoisie.

"The old machinery of the State can not be used by the revolutionary proletariat. It must be destroyed.

"The state of proletarian dictatorship is political in character, since it represents a ruling class, the proletariat, which is now supreme; and it uses coercion against the old bourgeois class. But the task of this dictatorship is to render itself unnecessary; and it becomes unnecessary the moment the dictatorship of the proletariat performs its negative task of constructing the old order, it performs the positive task of constructing the new. Together with the Government of the proletarian dictatorship there is developed in the old sense, since it concerns itself with the management of production and not with the government of the persons. Out-of-workers' control of industry, introduced by the proletarian dictatorship, there develops the complete structure of communist socialism—industrial self-government of the communistically organized producers. When this structure is completed, which implies the complete expropriation of the bourgeoisie economically and politically, the dictatorship of the proletariat ends, in its place coming the full and free social and individual autonomy of the communist order."

From the above we see that the left wing of the Socialist Party, which later became the Communist Party, specifically states that it does not intend to capture the bourgeois parliamentary state, but to conquer and destroy it, and that the final objective of mass action is the medium intended to be used in the conquest and destruction of the bourgeois state to annihilate the parliamentary state and introduce a revolutionary dictatorship of the proletariat. In another quotation, it is specifically stated that the proletariat must organize its own state for the "coercion and suppression of the bourgeoisie." Throughout the above manifesto, advocacy of force and violence is sponsored by the left-wing party.

After the conference, at which the above manifesto was formulated, the efforts of the Socialist Party intensified and the national executive committee of that party continued to expel members.

On July 19, 1919, the left wing of the Socialist Party issued a call for a convention to be held in Chicago on September 1, for the purpose of organizing a Communist Party. Attached hereto and marked "Exhibit 2" is a copy of the Communist for July 19, 1919, containing the call for the national convention. I will not advert to the contents of this call other than to point out that its phraseology and meaning was consistent with all the documents we have previously examined and that they again talk of conquering and destroying the state by mass action, thereby establishing clearly that they were following the lead of the Bolshevik and the first congress of the Communist International.

On August 30, 1919, the Socialist Party of America convened in Chicago for the purpose of discussing and, if possible, harmonizing the dissatisfied elements within its organization. The left wing of the Socialist Party tried to be seated and capture the convention, but were defeated in their attempt, with the result that they bolted the convention and convened the Communist Party convention on September 1, 1919, which lasted until September 7, 1919. Approximately 129 delegates attended this communist convention, representing 55,000 members. Officers were elected and a manifesto and program adopted which was consistent with all of the manifestos and programs previously issued by the left wing of the Socialist Party. The official manifesto and program will later be analyzed in this brief. Immediately at the close of this convention the Communist Party proceeded with an extensive propaganda, issuing a large number of pamphlets, not only in English but also in foreign languages, and immediately established the publication of *The Communist*, the official organ of the Communist Party, a periodical issued weekly from the headquarters of the organization in Chicago. The energies of the party were immediately directed toward the acquisition of new members, and to date the Communist Party has added to its original membership hundreds of new members, and is at present carrying on a most extensive and intensified propaganda.

(D) COMMUNIST INTERNATIONAL.

Reference has previously been made to the third international or to the first international congress of communists, and I will later show that the Communist Party of America is actually affiliated and adheres to the teachings, program, and tactics of the third international. In order that an intelligent understanding may be had of the principals of the third international, it will be necessary to analyze in detail various provisions of the manifesto which was issued in connection with this international.

The first congress of the Communist International was held at Moscow from March 2 to 6, 1919, and on March 10, 1919, a manifesto was issued, signed by Charles Rakovsky, N. Lenin, G. Zinoviev, Leon Trotzki, and Fritz Platten. Attached hereto and marked as "Exhibit 3" is a translation of the manifesto of the Communist International. The manifesto calls upon the proletariat to seize all Government power and substitute in its place the power of the proletariat. It is noted that the manifesto is addressed not only to the proletariat of Russia but to the "proletariat of all countries." It proceeds with a discussion in which the statement is made that the proletariat recognizes neither inherited privileges nor rights of property. It urges the formation of workers, soldiers' and peasants' councils to oppose them to the State apparatus and to achieve "the same conditions as exist in Soviet Russia." Later in the manifesto we find the following statement: "The working class must answer blow for blow, if it will not renounce its own object and its own future, which is at the same time the future of all humanity." Immediately following this quotation is found the following statement: "This makes necessary the disarming of the bourgeoisie at the proper time, the arming of the laborer, and the formation of a communist army as the protector of the rule of the proletariat and the inviolability of the social structure."

It will be particularly noted that the quotations set forth above directly advocate force and violence in acquiring the ultimate aim of the proletarian dictatorship. I call particular attention to these particular quotations at the present time, for I shall later point out that each member of the Communist Party of America pledges himself to the principles and tactics set forth in the Communist International.

Later in the manifesto of the Communist International we find open advocacy of mass action, and the following quotation is particularly interesting: "It must end the domination of capital, make war impossible, wipe out State boundaries, transform the whole work into one cooperative commonwealth, and

bring about real human brotherhood and freedom." This quotation is followed by the following statement: "This monstrous new conspiracy of the capitalist class must be met with the proletariat by seizure of the political power of the State, turning this power against its class enemies, and using it as a lever to set in motion the economic revolution." The next division of the manifesto is headed "The conquest of political power," and the following is the explanation of what is meant by the conquest of the political power:

"Seizure of political power by the proletariat means destruction of the political power of the bourgeoisie. The organized power of the bourgeoisie is in the civil state, with its capitalistic army under control of bourgeois junker officers, its police and gendarmes, jailors and judges, its priests, Government officials, etc. Conquest of the political power means not merely a change in the personnel of ministries but annihilation of the enemy's apparatus of government; disarmament of the bourgeoisie of the counter revolutionary officers, of the White Guard, arming of the proletariat, the revolutionary soldiers, the Red Guard of workmen, displacement of all bourgeois judges and organization of proletarian courts; elimination of control by reactionary government officials and substitution of new organs of management of the proletariat. Victory of the proletariat. Victory of the proletariat consists in shattering the enemy's organization and organizing the proletarian power; in the destruction of the bourgeois and upbuilding of the proletarian state apparatus. Not until the proletariat has achieved this victory and broken the resistance of the bourgeoisie can the former enemies of the new order be made useful by bringing them under control of the communist system and gradually bringing them into accord with its work."

From the above it will be noted that by the seizure of political power is meant the destruction of the political power of the bourgeoisie. It specifically advocates the elimination of government officers, police, judges, and priests. It urges the arming of the proletariat and the creation of a Red Guard. There is no effort to accomplish in this instance the ultimate aim by parliamentary action, but it is conclusive that in order to attain the aim desired that force and violence will be resorted to as a means of acquiring the desire. Later in the manifesto we find the following quotation:

"As the opposition of the bourgeoisie is broken, as it is expropriated and gradually absorbed into the working groups, the proletarian dictatorship disappears, until finally the State dies and there are no more class distinctions."

It will thus be seen from the foregoing quotation that the Communist International borders virtually upon the borders of anarchy, in that it contends through its efforts there will be no necessity of a state or government.

In the manifesto we find open advocacy for the expropriation of the means of production and the distribution of such means into the common property of the proletarian state. It specifically advocates the expropriation of factories, mines, and estates, and, to use the words of the manifesto, advocates the "transfer of the large mansions to the local workers' councils and move the working people into the bourgeois dwellings." Thus we see an utter disregard of the rights of property.

Under the heading of "The way to victory," which closes the manifesto, the following statement appears:

"The revolutionary era compels the proletariat to make use of the means of battle which will concentrate its entire energies, namely, mass action with its logical resultant direct conflict with the governmental machinery, in open combat. All other methods, such as revolutionary use of bourgeois parliamentarism, will be of only secondary significance."

Thus we come to the close of the communist international manifesto, and find that parliamentarism is to be considered victory in the drive of the communists for world-wide control and that it openly advocates mass action which will result in direct conflict with the governmental machinery in open conflict. There can no longer remain any doubt in even the mind of a reader who gives but casual note to the manifesto of the communist international, that it openly advocates the overthrow of the Government of the world by force or violence.

(E) COMMUNIST PARTY OF AMERICA.

Now that we have examined the manifesto of the communist international, the next phase of the communist movement which should be considered is the manifesto and program of the Communist Party of America. Attached hereto

and marked as "Exhibit 4" is a copy of said manifesto and program, as issued by the Communist Party from its general headquarters at Chicago, Ill. The essence of the communist program is that the proletariat must be so directed and educated that by mass action they will at one sweep destroy the State and establish a dictatorship of the proletariat in the form of soviets, which will exist until the bourgeois is suppressed and destroyed, and the proletariat is organized into the working groups and the communist commonwealth is established. They will only use parliamentary action (the ballot) as propaganda.

I will now endeavor to analyze in detail the manifesto of the Communist Party as adopted at its first national convention in Chicago, September 1, 1919.

On page 1 of the manifesto we find the following statement: "The struggle is between the capitalist nations of the world and the international proletariat, inspired by Soviet Russia." Thus we see behind the movement of the Communist Party in this country the inspiration of the Bolshevik forces now at work in Russia.

On page 3 of the manifesto reference is made to the attitude of the Socialist Party of America during the war. An examination of page 3 shows that the communists lack patriotism for the Communist Party is founded upon internationalism and not nationalism.

On pages 5 and 6 of the manifesto we find the urging of the establishment of the dictatorship of the proletariat, which will be of particular significance in view of the advocacy of such dictatorship by the communist international above discussed in detail.

On page 6 we find set forth in the manifesto of Communist Party what communism considers its conception of the State, and the following is a quotation taken from page 6:

"There is a common policy that characterizes moderate socialism; that is, its conception of the State. Out of the conception that the bourgeois parliamentary State is the basis for the introduction of socialism developed a directly counterrevolutionary policy.

"Communism rejects this conception of the State. It rejects the idea of class reconciliation and the parliamentary conquest of capitalism. The Communist Party alone is capable of mobilizing the proletariat for the revolutionary mass struggle to conquer the power of the State."

Thus we see that the Communist Party of America rejects parliamentary actions as its means to accomplish its end and directly sponsors mass action in its campaigns.

On page 8 of the manifesto we find the advocacy of strikes and the seizure of the functions of industry and government by the strikers as was done in the Seattle-Winnipeg general strikes.

On page 9 we find the following statement: "Laborism is as much a danger to the proletarian as moderate petty bourgeois socialism."

Again, on page 9 we learn of the attitude of the Communist Party toward the fomenting of dissatisfied unrest:

"But there is a more vital tendency toward the workers to start mass strikes—strikes which are equally a revolt against the bureaucracy of the unions and the capitalists. The Communist Party will endeavor to broaden and deepen these strikes, making them general and militant, developing the general political strike."

This is of particular significance due to the fact that in the great coal and steel strikes which have been existing in the United States for the past several months, investigation has shown that Communist Party has been actively engaged in its propaganda in fomenting industrial unrest, a doctrine specifically advocated in its manifesto and to which, as I will later show, each and every member of the Communist Party pledges himself to adhere.

On page 9 of the manifesto under the heading "Political action" we find the following statement:

"It is a political struggle in the sense that its objective is political—overthrow of the political organizations upon which capitalist exploitation depends, and the introduction of a proletarian State power. The objective is the conquest by the proletariat of the power of the State. Communism does not propose to 'capture' the bourgeois parliamentary State, but to conquer and destroy it."

Thus we find that the Communist Party of America specifically pledges itself not only to capture the bourgeois parliamentary State but also to conquer and destroy it. Virtually the same language is found here as is found in the manifesto of the Communist International.

On page 10 of the manifesto we find the statement that the use of parliamentarism is only of secondary importance, and that the conquest of the power of the State is to be accomplished by the mass power of the proletariat, resulting in the mobilizing of this control against capitalism, which means the initial form of the revolutionary mass action that will conquer the power of the State.

On page 11 we find the particular significant statement of organization along the industrial lines rather than along craft lines, showing its similarity to the Industrial Workers of the World.

Pages 12 and 13 of the manifesto contains illuminating passages upon the doctrine of mass action, from which I will merely quote one sentence thereof, although all of the passages appearing on the pages mentioned are pertinent: "Therefore it is necessary that the proletariat organize its own State for the coercion and suppression of the bourgeoisie." The above concludes the manifesto of the Communist Party of America, and it is now necessary for us to examine in detail the program adopted at the Chicago convention.

On page 14 of the pamphlet attached and marked as "Exhibit 4" we find the program of the Communist Party, starting out with the following statement: "The Communist Party's aim is to direct this struggle to the conquest of political power, the overthrow of capitalism, and the destruction of the bourgeois State."

On page 15 the following statement appears: "The Communist Party maintains that the class struggle is essentially a political struggle; that is, a struggle to conquer the power of the State."

On page 16 we find the Communist Party's program pledged to the fomenting of mass strikes and the establishment in each industrial center and each industrial plant of a local committee for the purposes of stirring up the unrest.

On pages 16 and 17 we find the Communist Party against the unionism of the American Federation of Labor, to use the language of the program, as follows: "The Communist Party recognizes that the American Federation of Labor is reactionary and a bulwark of capitalism."

On page 17 of the program we find the Communist Party embracing the Industrial Workers of the World and militant unions of the American Federation of Labor.

Page 17 also contains the fact that the Communist Party will use their efforts to agitate among the unskilled workers so as to obtain their support.

Page 18 of the program we find the following statement: "The Communist Party will carry on among the negro workers agitation to unite them with all class conscious workers." Thus we see the cause of much of the racial trouble in the United States at the present time.

The program closes with the following statement: "There must be close unity with the Communist International for common action against imperialism."

From the above we see that not only is the Communist Party of America pledged to overthrow the Government of the United States by force and violence, but that it is also pledged to foment industrial unrest through mass strikes and to stir up and agitate racial prejudices throughout the entire country.

In Exhibit 4, in which is contained the manifesto and program of the Communist Party, we find also the constitution of this party from which I will quote but one section:

"Sec. 8. No person shall be accepted as a member who enters into the service of the National, State, or local government bodies otherwise than through the civil service or by legal compulsion."

The last part of Exhibit 4 contains a report by Louis C. Fraina, international secretary of the Communist Party of America, to the executive committee of the Communist International. Thus we see that the Communist Party of America reports directly to the Communist International, with which it is affiliated according to its constitution and program.

(F) MASS ACTION.

Numerous references have above been made to the term "mass action," which we find employed not only in the manifesto of the Communist International, but also in the manifesto of the Communist Party of America. In order that there may be no misunderstanding as to the direct meaning of the term "mass action," we will now consider the explanation of the term "mass

action." As set forth in report by Louis C. Fraina, under subtitle "Unions and mass action," we find the following statements appearing in Fraina's work:

"It is the unity of all forms of proletarian action, a means of throwing the proletariat, organized and unorganized, in a general struggle against capitalism and the capitalist state.

"The value of this mass action is that it shows the proletariat its power, weakens capitalism, and compels the State largely to depend upon the use of brutal force in the struggle, either the physical force of the military or the terrorism; this emphasizes antagonisms between proletarian and the capitalist, widening the scope and deepening the intensity of the proletarian struggle against capitalism.

"Organizations, political and economic, have a tendency to become conservative; a tendency emphasized, moreover, by the fact that they largely represent the more favored groups of workers. The organizations must be swept out of their conservatism by the elemental impact of mass action, functioning through organized and unorganized workers, acting instinctively under the pressure of events and in disregard of bureaucratic discipline.

"A vital feature of mass action is precisely that it places in the hands of the proletariat the power to overcome the fetters of the organizations, to act in spite of their conservatism, and through proletarian mass action emphasize antagonisms between workers and capitalists and conquer power.

"MASS ACTION IS THE PROLETARIAT ITSELF IN ACTION.

"The class power of the proletariat arises out of the intensity of its struggles and revolutionary energy. It consists, moreover, of undermining the bases of the power and morale of the capitalist state, a process that requires extraparliamentary activity through mass action.

"It is the concentration of proletarian forces that makes mass action the method of the proletarian revolution.

"The proletarian revolution is a test of power, a process of forcible struggles, an epoch in which the proletariat requires a flexible method of action, a method of action that will not only concentrate all its available forces, but which will develop its initiative and consciousness, allowing it to seize and use any particular means of struggle in accord with a prevailing situation and necessary under the conditions.

"Socialism will come not through the peaceful, democratic, parliamentary conquest of the state, but through the determined and revolutionary mass action of a proletarian minority.

"Parliamentarism in and of itself fetters proletarian action; organizations are often equally fetters upon action; the proletariat must act and always act; through action it conquers.

"Mass action is a dynamic, pliable, creative; the proletariat, through mass action, instinctively adapts itself to the means and the tactics necessary in a prevailing situation. The forms of activity of the proletariat are not limited and stultified by mass action; they are broadened, deepened, and coordinated. Mass action is equally a process of revolution and the revolution itself in operation.

"It will be noted by an examination of the above that the basis of the so-called mass action is primarily industrial and economic in function, but actually political in purpose. It basically functions on the industrial and economic field through mass action (meaning the general strike, or direct action) to force concessions from the so-called bourgeois state, considering parliamentary action but secondary at best. Hence, if mass action is to be the principal method used to bring about the communist commonwealth, with parliamentary action (the ballot) as a poor secondary method, we can conclude but one thing, and that is: Mass action is the very essence of force and violence.

The above needs little or no comment, as the substance of same is well expressed in its last phrase, "Mass action is the very essence of force and violence." It is to be borne in mind that the above exposition of mass action is given by Louis C. Fraina, the official head of the Communist Party of America, and a man who directs its purposes and energies.

(G) MEMBERSHIP OF THE COMMUNIST PARTY OF AMERICA.

From the examination of the above documents, namely, the manifesto of the Communist International and the manifesto of the Communist Party of America, we find advocacy of doctrines for the overthrow of the Government

of the United States, not by parliamentary action but by direct action or mass action, which, as above shown, means force and violence. Thus the Communist Party of America stands indicted under the act of October 16, 1918. However, in order that there may be no doubt as to the responsibility of individual members of the Communist Party of America, we have but to examine the application for membership which each member must sign upon entering the organization. The following is a statement taken from the application: "The undersigned, after having read the constitution and program of the Communist Party, declares his adherence to the principles and tactics of that party and the Communist International; agrees to submit to the discipline of the party as stated in its constitution; and pledges himself to engage actively in its work."

Thus we see from the above that each and every member accepted for membership in the Communist Party pledges himself not only to the constitution and program of that party, but also to the principles and tactics of the Communist International, and further pledges himself to engage actively in the work of carrying out such principles and tactics.

Attached hereto and marked as "Exhibit 5" is an application for membership of the Communist Party of America.

Attached hereto and marked as "Exhibit 6" is a copy of the membership card issued to each member of the Communist Party of America, on which it will be seen that the statement appears, "Affiliated with the Communist International."

From the above examination of the membership we find that each member of the organization knowingly accepts the principles and tactics of the organization and pledges himself to the purpose of not only the Communist Party of America, but also of the Communist International, which is the ruling power of Soviet Russia.

(H) ACTIVITIES OF COMMUNIST PARTY OF AMERICA.

In order that we may gain a view into the actual propaganda work of the Communist Party of America, we have but to examine a few samples of its literature.

Attached hereto and marked as "Exhibit 7" is a leaflet issued by the Communist Party of America, entitled "The capitalist challenge you, workingmen." This circular, it will be noted, bears upon the steel strike at Gary, Ind., and urges the workers to resort to mass action. Of particular significance is the following statement appearing in the circular: "The National Government—the capitalist State—has stepped in." Thus we see that the Communist Party uses the "capitalist State" as a term synonymous with the National Government. The circular urges the workingmen to express opposition to law and order, and ends with the statement, "The workers must capture the power of the State."

Attached hereto and marked as "Exhibit 8" is a circular issued by the Communist Party of America, entitled "Your shop." In this circular we find the workers urged to take over the shops and urged to adopt mass action in accomplishing this purpose. Further, we find the workers urged to establish in this country the present conditions existing in Russia.

Attached hereto and marked as "Exhibit 9" is a copy of a circular entitled "The State—strike breaker." This circular was printed in Detroit, Mich., on November 3, 1919, and through the efforts of the Federal authorities was never actually circulated. It will be noted that the circular was issued after the injunction had been issued by the court upon the coal strike, and yet we find the Communist Party of America openly violating that injunction. The examination of the circular shows an attitude of satire upon the Government of the United States. The miners are urged to take over the mines and the circular incites the workers against the Government. The following statement appears: "The workers must conquer that power (the State). The workers are urged to establish a dictatorship of the proletariat." The same phrasing is used in this circular as was used by the Communist International.

Attached hereto and marked as "Exhibit 10" is a copy of a circular issued to the workers of the world by the executive committee of the Communist International, with which the Communist Party of America is affiliated, according to its own statement, and wherein protest is again made against the Versailles peace treaty. It is also further urged in the proclamation to the workers of the world that there should be a world-wide revolution, like that existing in Russia, with a resultant destruction of the bourgeois state. The above is but a small sample of the literature circulated by the Communist Party of America, but is sufficient to definitely establish its type of propaganda.

(I.) PUBLIC OPINION ON COMMUNIST PARTY OF AMERICA.

The Communist Party of America has been in existence for so short a time that few States have as yet been able to proceed against members of the organization; however, in New York State, under the criminal-anarchy law of that State, a large number of the members of the Communist Party of America have been indicted, and the following is a quotation from the opinion of Chief Magistrate William McAdoo upon the nature of the organization:

"The Communist Party is intended to destroy organized government and it appeals for class hatred, and the Communist Party is an organized conspiracy against the United States Government and the State of New York, and each member of the party is guilty and responsible for the acts, writings, and sayings of each and every member, just as handed down years ago in the famous Lord George Gordon case, following the no-property riots in London, in which each member of the mob that followed him through the streets were held guilty.

"I hold that the Communist Party has declared a state of war against the United States and the government of the State of New York and that the establishment of the Communist Party in the State of New York is the highest crime known to our law, and I will not reduce the bail one dollar.

"If the Communist Party is an organization intended to destroy the Government of the United States and preparing the way by appeals to class hatred and by preventing members from taking part in government and impliedly preventing their using constitutional methods to bring about a change, then every member is responsible for the acts and sayings of every other member. This is a well-established principle of law.

"The common impression that these men are held because they have membership cards in an organization is erroneous. There are some well-meaning citizens who have gotten the idea that these men are being mistreated; that all that they have done is join some organization just as any one might join the Elks.

"These men are recruited into barracks, into which they make a declaration against the Government of the United States before they can become a member."

It will thus be noted from the above that the nature of the Communist Party of America has been recognized by the judiciary and that its obnoxious and insidious propaganda has born fruit.

(J) CONCLUSION.

From examination of the various documents analyzed above the following is definitely established:

- (1) That the Communist Party was the outgrowth of the left wing of the Socialist Party of America.
- (2) That the Communist Party is an integral part of the first congress of the Communist International, which was formed by the Bolsheviks.
- (3) That through its history as the left wing, the Communist Party constantly followed the doctrines of mass action and the advocacy of the dictatorship of the proletariat.
- (4) That the first congress of the Communist International directly advocated the overthrow of all the governments of the world by force and violence through its advocacy of mass action.
- (5) That the Communist Party of America, in its manifesto and program officially adopted at its convention in Chicago held September 1, 1919, advocated the overthrow of the Government of the United States by force and violence.
- (6) That each and every member of the Communist Party of America pledges himself knowingly to the tactics and principles of the Communist Party of America and to the tactics and principles enunciated in the manifesto of the Communist International.
- (7) That the Communist Party of America, through the propaganda being actively carried on at the present time, is advocating the overthrow of the Government of the United States by force and violence.

It is respectfully submitted that the Communist Party of America and persons members thereof fall within the provisions of the act of October 16, 1918, in that it openly advocates the overthrow of the Government of the United States by force and violence.

Respectfully submitted.

J. E. HOOVER,

Special Assistant to the Attorney General.

EXHIBIT I.

MANIFESTO OF THE LEFT WING SECTION OF THE SOCIALIST PARTY OF NEW YORK CITY.

The members of the Socialist Party are entitled to an explanation for the issuance of this pamphlet by the left wing section:

We are a very active and growing section of the Socialist Party who are attempting to reach the rank and file with our urgent message over the heads of the powers that be, who through inertia paralyzed the party's policies and tactics.

The official Socialist Party press in the main is closed to us; therefore we can not adequately present our side of the case.

In the various discussions that arise everywhere party members or delegates assemble, both sides grow too heated for calm, dispassionate judgment.

Therefore we have decided to issue our manifesto and program in pamphlet form, so that the rank and file may read and judge our case on its merits.

Comrades—and this is addressed to members of the party—the situation is such that a careful study of our position is absolutely imperative.

MANIFESTO.

Prior to August, 1914, the nations of the world lived on a volcano. Violent eruptions from time to time gave warning of the cataclysm to come; but the diplomats and statesmen managed to localize the outbreaks; and the masses, slightly aroused, sank back into their accustomed lethargy with doubts and misgivings, and the subterranean fires continued to smolder.

Many trusted blindly—some in their statesmen, some in the cohesive power of Christianity, their common religion, and some in the growing strength of the international socialist movement. Had not the German Social Democracy exchanged dramatic telegrams with the French Socialist Party, each pledging itself not to fight in case their Governments declared war on each other? A general strike of workers led by these determined socialists would quickly bring the Governments to their senses.

So the workers reasoned until the thunderclap of Sarajevo and Austria's ultimatum to Serbia. Then suddenly the storm broke. Mobilization everywhere. Everywhere declarations of war. In three or four days Europe was in arms.

The present structure of society—capitalism—with its pretensions to democracy on the one hand and its commercial rivalries, armaments, rings, and standing armies on the other, all based on the exploitation of the working class and the division of the loot, was cast into the furnace of war. Two things only could issue forth; either international capitalist control, through a league of nations, or social revolution and the dictatorship of the proletariat. Both of these forces are to-day contending for world power.

The social democracies of Europe, unable or unwilling to meet the crisis, were themselves hurled into the conflagration, to be tempered or consumed by it.

THE COLLAPSE OF THE SECOND INTERNATIONAL.

Great demonstrations were held in every European country by socialists, protesting against their Governments' declarations of war and mobilizations of war. And we know that these demonstrations were rendered impotent by the complete surrender of the socialist parliamentary leaders and the official socialist press, with their "justifications" of "defensive wars" and the safeguarding of "democracy."

Why the sudden change of front? Why did the socialist leaders in the parliaments of the belligerents vote the war credits?

Why did not moderate socialism carry out the policy of the Basle manifesto, namely, the converting of an imperialistic war into a civic war—into a proletarian revolution? Why did it either openly favor the war or adopt a policy of petty bourgeois pacifism?

THE DEVELOPMENT OF MODERATE "SOCIALISM."

In the latter part of the nineteenth century the social democracies of Europe set out to "legislate capitalism out of office." The class struggle was to be won in the capitalist legislatures. Step by step concessions were to be wrested

from the State; the working class and the Socialist parties were to be strengthened by means of "constructive" reform and social legislation; each concession would act as a rung in the ladder of social revolution upon which the workers could climb, step by step, until finally some bright sunny morning the peoples would awaken to find the cooperative commonwealth functioning without disorder, confusion, or hitch on the ruins of the capitalist state.

And what happened? When a few legislative seats had been secured the thunderous denunciations of the Socialist legislators suddenly ceased. No more were the parliaments used as platforms from which the challenge of revolutionary Socialism was flung to all the corners of Europe. Another era had set in, the era of "constructive" social reform legislation. Dominant moderate Socialism accepted that state. All power to shape the policies and tactics of the Socialist parties was intrusted to the parliamentary leaders. And these lost sight of Socialism's original purpose; their goal became "constructive reforms" and cabinet portfolios—the "cooperation of classes"—the policy of openly or tactically declaring that the coming of Socialism was a concern "of all classes," instead of emphasizing the Marxian policy that the construction of the Socialist system is the task of the revolutionary proletariat alone. "Moderate Socialism," in the hands of these parliamentary leaders, was now ready to share responsibility with the bourgeoisie in the control of the capitalist state, even to the extent of defending the bourgeoisie against the working class—as in the first Briand ministry in France, when the official party press was opened to a defense of the shooting of striking railway workers at the order of the Socialist-Bourgeois coalition cabinet.

"SAUSAGE SOCIALISM."

This situation was brought about by mixing the democratic cant of the eighteenth century with scientific socialism. The result was what Rosa Luxemburg called "sausage socialism." The "moderates" emphasized petty bourgeois social reformism in order to attract tradesmen, shopkeepers, and members of the professions, and, of course, the latter flocked to the socialist movement in great numbers, seeking relief from the constant grinding between corporate capital and awakening labor.

The socialist organizations actively competed for votes, on the basis of social reforms, with the bourgeois-liberal political parties. And so they catered to the ignorance and prejudice of the workers, trading promises of immediate reforms for votes.

Dominant "moderate Socialism" forgot the teachings of the founders of scientific Socialism, forgot its function as a proletariat movement—"the most resolute and advanced section of the working class parties"—and permitted the bourgeois and self-seeking trade union elements to shape its policies and tactics. This was the condition in which the Social Democracies of Europe found themselves at the outbreak of war in 1914. Demoralized and confused by the crosscurrents within their own parties, vacillating and compromising with the bourgeois state they fell a prey to social patriotism and nationalism.

SPARTICIDES AND BOLSHIEVIKI.

But revolutionary Socialism was not destined to lie inert for long. In Germany, Karl Liebknecht, Franz Mehring, Rosa Luxemburg, and Otto Ruhle organized the Spartacus group. But their voices were drowned in the roar of cannon and the shriek of the dying and the maimed.

Russia, however, was to be the first battle ground where "moderate" and revolutionary Socialism should come to grips for the mastery of State. The breakdown of the corrupt, bureaucratic Czarist régime opened the floodgates of revolution.

Three main contending parties attempted to ride into power on the revolutionary tide; the cadets, the "moderate Socialists" (Mensheviks and Social Revolutionaries), and the revolutionary Socialists—the Bolsheviks. The Cadets were first to be swept into power; but they tried to stem the still-rising flood with a few abstract political ideals, and were soon carried away. The soldiers, workers and peasants could no longer be fooled by phrases. The Mensheviks and Social revolutionaries succeeded the cadets. And now came the crucial test; would they, in accord with Marxian teachings, make themselves the ruling class and sweep away the old conditions of production, and thus prepare the way for the cooperative commonwealth or would they tinker with

the old machinery and try to foist it on the masses as something just as good?

They did the latter and proved for all time that "moderate Socialism" can not be trusted.

"Moderate Socialism" was not prepared to seize the power for the workers during a revolution. "Moderate Socialism" had a rigid formula—"constructive social reform legislation within the capitalist state" and to that formula it clung. It believed that bourgeois democracy could be used as a means of constructing the Socialist system; therefore, it must wait until the people, through a constituent assembly, should vote Socialism into existence. And in the meantime it held that there must be established a Government of coalition with the enemy, the bourgeoisie. As if, with all the means of controlling public opinion in the hands of the bourgeoisie, a constituent assembly could or would ever vote the Socialists into power.

Revolutionary Socialists hold, with the founders of scientific Socialism, that there are two dominant classes in society—the bourgeoisie and the proletariat; that between these two classes a struggle must go on until the working class, through the seizure of the instruments of production and distribution, the abolition of the capitalist state, and the establishment of the dictatorship of the proletariat, creates a Socialist system. Revolutionary Socialists do not believe that they can be voted into power. They struggle for the conquest of power by the revolutionary proletariat. Then comes the transition period from capitalism to socialism, of which Marx speaks in his "Critique of the Gotha Program," when he says:

"Between the capitalist society and the communist lies the period of the revolutionary transformation of the one into the other. This corresponds to a political transition period, in which the State can not be anything else but the dictatorship of the proletariat."

Marx and Engels clearly explained the function of the Socialist movement. It is the "moderate Socialist," through intellectual gymnastics, evasions, misquotations, and the tearings of sentences and phrases from their context, who make Marx and Engels sponsors for their perverted version of socialism.

PROBLEMS OF AMERICAN SOCIALISM.

At the present moment the Socialist Party of America is agitated by several cross currents, some local in their character, and some a reflex of cleavages within the European Socialist movements. Many see in this internal dissention merely an unimportant difference of opinion, or, at most, dissatisfaction with the control of the party, and the desire to replace those who have misused it with better men.

We, however, maintain that there is a fundamental distinction in views concerning party policies and tactics. And we believe that this difference is so vast that from our standpoint a radical change in party policies and tactics is necessary.

This essential task is being shirked by our party leaders and officials generally.

Already there is formidable industrial unrest, a seething ferment of discontent, evidences by inarticulate rumblings which presage striking occurrences. The transformation of industry from a war to a peace basis has thoroughly disorganized the economic structure. Thousands upon thousands of workers are being thrown out of work. Demobilized soldiers and sailors find themselves a drug upon the labor market unless they act as scabs and strikebreakers. Skilled mechanics fighting desperately to maintain their war wage and their industrial status, are forced to strike. Women, who during the war have been welcomed into industries hitherto closed to them, are struggling to keep their jobs. And to cap the climax the capitalists, through their chambers of commerce and their merchants and manufacturers' associations, have resolved to take advantage of the situation to break down even the inadequate organizations labor has built through generations of painful struggle.

The temper of the workers and soldiers, after the sacrifices they have made in the war, is such that they will not endure the reactionary labor conditions so openly advocated by the master class. A series of labor struggles is bound to follow—indeed, is beginning now. Shall the Socialist Party continue to feed the workers with social reform legislation at this critical period? Shall it approach the whole question from the standpoint of votes and the election of representatives to the legislatures? Shall it emphasize the consumers' point

of view, when the Socialist principles teach that the workers are robbed, at the point of production? Shall it talk about the cost of living and taxation when it should be explaining how the worker is robbed at his job?

There are many signs of the awakening of labor. Strikes are developing which verge on revolutionary action; the trade-unions are organizing a labor party, in an effort to conserve what they have won and wrest new concessions from the master class. The organization of a labor party is an immature expression of a new spirit in the labor movement; but a labor party is not the instrument for the emancipation of the working class; its policy would be in general what is now the official policy of the Socialist Party—reforming capitalism on the basis of the bourgeois state. Laborism is as much a danger to the revolutionary proletariat as “moderate” socialism; neither is an instrument for the conquest of power.

CAPITALIST IMPERIALISM.

Imperialism is the final stage of capitalism in which the accumulated capital or surplus of the Nation is too great to be reinvested in the home market. The increased productivity of the working class, due to improved machinery and efficiency methods, and the mere subsistence wage which permits the worker to buy back only a small portion of what he produces, causes an ever-increasing accumulation of commodities, which in turn become capital and must be invested in further production. When capitalism has reached the stage in which it imports raw materials from undeveloped countries and exports them again in the shape of manufactured products it has reached its highest development.

This process is universal. Foreign markets, sphere of influence, and protectorates, under the intensive development of capitalist industry and finance, in turn become highly developed. They, too, seek for markets. National capitalist control, to save itself from ruin, breaks its national bonds and emerges full grown as a capitalist league of nations, with international armies and navies to maintain its supremacy.

The United States no longer holds itself aloof, isolated, and provincial. It is reaching out for new markets, new zones of influence, new protectorates.

The capitalist class of America is using organized labor for its imperialistic purposes. We may soon expect the capitalist class, in true Bismarkian fashion, to grant factory laws, old-age pensions, unemployment insurance, sick benefits, and the whole litter of bourgeois reforms, so that the workers may be kept fit to produce the greatest profits at the greatest speed.

DANGERS TO AMERICAN SOCIALISM.

There is danger that the Socialist Party of America might make use of these purely bourgeois reforms to attract the workers' votes by claiming that they are victories for socialism and that they have been won by socialist political action, when, as a matter of fact, the object of these master class measures is to prevent the growing class consciousness of the workers and to divert from their revolutionary aim. By agitating for these reforms, therefore, the Socialist Party would be playing into the hands of the American imperialists.

On the basis of the class struggle, then, the Socialist Party of America must reorganize itself, must prepare to come to grips with the master class during the difficult period of capitalist readjustment now going on. This it can do only by teaching the working class the truth about present-day conditions; it must preach revolutionary industrial unionism and urge all the workers to organize into industrial unions, the only form of labor organization which can cope with the power of great modern aggregations of capital. It must carry on its political campaigns, not merely as a means of electing officials to political office, as in the past, but as a year-round educational campaign to arouse the workers to class conscious, economic, and political action, and to keep alive the burning ideal of revolution in the hearts of the people.

POLITICAL ACTION.

We assert, with Marx, that “the class struggle is essentially a political struggle,” and we can only accept his own oft-repeated interpretation of that phrase. The class struggle, whether it manifest itself on the industrial field or in the

direct struggle for governmental control, is essentially a struggle for the capture and destruction of the capitalist state. This is a political act. In this broader view of the term "political" Marx includes revolutionary industrial action. In other words, the objective of socialist industrial action is "political," in the sense that it aims to undermine the bourgeois state, which "is nothing less than a machine for the oppression of one class by another, and that no less so in a democratic republic than under a monarchy."

Political action is also and more generally used to refer to participation in election campaigns for the immediate purpose of winning legislative seats. In this sense, too, we urge the use of political action as a revolutionary weapon.

But both in the nature and the purpose of this form of political action revolutionary socialism and "moderate socialism" are completely at odds.

Political action, revolutionary and emphasizing the implacable character of the class struggle, is a valuable means of propaganda. It must at all times struggle to arouse the revolutionary mass action of the proletariat—its use is both agitational and obstructive. It must on all issues wage war upon capitalism and the state. Revolutionary socialism uses the forum of parliament for agitation; but it does not intend to and can not use the bourgeois state as a means of introducing socialism; this bourgeois state must be destroyed by the mass action of the revolutionary proletariat. The proletarian dictatorship, in the form of a soviet state, is the immediate objective of the class struggle.

Marx declared that "the working class can not simply lay hold of the ready-made state machinery and wield it for its own purposes." This machinery must be destroyed. But "moderate socialism" makes the state the center of its action.

The attitude toward the state divides the anarchist (anarcho-syndicalist), the "moderate socialist," and the revolutionary socialist. Eager to abolish the state (which is the ultimate purpose of revolutionary socialism), the anarchist and (anarcho-socialist) fails to realize that a state is necessary in the transition period from the capitalism to socialism; the "moderate socialist" proposes to use the bourgeois state, with its fraudulent democracy, its illusory theory of "unity of all the classes," its standing army, police, and bureaucracy oppressing and baffling the masses; the revolutionary socialist maintains that the bourgeois state must be completely destroyed, and proposes the organization of a new state—the state of the organized producer, of the federated soviets—on the basis of which alone can socialism be introduced.

Industrial unionism, the organization of the proletariat in accordance with the integration of industry and for the overthrow of capitalism, is a necessary phase of revolutionary socialist agitation. Potentially, industrial unionism constructs the basis and develops the ideology of the industrial state of socialism; but industrial unionism alone can not perform the revolutionary act of seizure of the power of the state, since under the conditions of capitalism it is impossible to organize the whole working class or an overwhelming majority into industrial unionism.

It is the task of a revolutionary socialist party to direct the struggles of the proletariat and provide a program for the culminating crisis. Its propaganda must be so directed that when this crisis comes, the workers will be prepared to accept a program of the following character:

(a) The organization of workmen's councils; recognition of, and propaganda for, these mass organizations in the immediate struggle, as the form of expression of the class struggle, and as the instruments for the seizure of the power of the state and the basis of the new proletarian state of the organized producers and the dictatorship of the proletariat.

(b) Workmen's control of industry, to be exercised by the industrial organizations (industrial unions of soviets) or the workers and the industrial vote, as against Government ownership or State control of industry.

(c) Repudiation of all national debts, with provisions to safeguard small investors.

(d) Expropriation of the banks; preliminary measure for the complete expropriation of capital.

(e) Expropriation of the railways and the large (trust) organizations of capital; no compensation to be paid, as "buying-out" the capitalists would insure a continuance of the exploitation of the workers; provisions, however, to be made during the transition period for the protection of small owners of stock.

(f) The nationalization of foreign trade.

These are not the "immediate demands" comprised in the social reform blanks now in the platform of our party; they are not a compromise with the capitalist state, but imply a revolutionary struggle against that state and against capitalism, the conquest of power by the proletariat through revolutionary mass action. They imply the new soviet state of the organized producers, the dictatorship of the proletariat; they are preliminary revolutionary measures for the expropriation of capital and the introduction of communist socialism.

PROGRAM.

1. We stand for a uniform declaration of principles in all party platforms both local and national and the abolition of all social reform planks now contained in them.
2. The party must teach, propagate, and agitate exclusively for the overthrow of capitalism, and the establishment of socialism through a proletarian dictatorship.
3. The socialist candidates elected to office shall adhere strictly to the above provisions.
4. Realizing that a political party can not reorganize and reconstruct the industrial organizations of the working class, and that this is the task of the economic organizations themselves, we demand that the party assist this process of reorganization by a propaganda for revolutionary industrial unionism as part of its general activities. We believe it is the mission of the socialist movement to encourage and assist the proletariat to adopt newer and more effective forms of organization and to stir it into newer and more revolutionary modes of action.
5. We demand that the official party press be party owned and controlled.
6. We demand that officially recognized educational institutions be party owned and controlled.
7. We demand that the party discard its obsolete literature and publish new literature in keeping with the policies and tactics above mentioned.
8. We demand that the national executive committee call an immediate emergency national convention for the purpose of formulating party policies and tactics to meet the present crisis.
9. We demand that the socialist party repudiate the Berne Congress or any other conference engineered by "moderate socialists" and social patriots.
10. We demand that the socialist party shall elect delegates to the international congress proposed by the communist party of Russia (Bolsheviki); that our party shall participate only in a new international with which are affiliated the communist party of Russia (Bolsheviki), the communist labor party of Germany (Spartacans), and all other left wing parties and groups.

EXHIBIT E.

CALL FOR A NATIONAL CONVENTION FOR THE PURPOSE OF ORGANIZING THE COMMUNIST PARTY OF AMERICA.

In this the most momentous period of the world's history capitalism is tottering to its ruin. The proletariat is straining at the chains which bind it. A revolutionary spirit is spreading throughout the world. The workers are rising to answer the clarion call of the third international.

Only one socialism is possible in the crisis. A socialism based upon understanding. A socialism that will express in action the needs of the proletariat. The time has passed for temporizing and hesitating. We must act. The communist call of the third international, the echo of the communist manifesto of 1848, must be answered.

The National Executive Committee of the Socialist Party of America has evidenced by its expulsion of nearly half of the membership that they will not hesitate at wrecking the organization in order to maintain their control. A crisis has been precipitated in the ranks of revolutionary socialism by the wholesale expulsion or suspension of the membership comprising the Socialist Party of Michigan, locals and branches throughout the country, together with seven language federations. This has created a condition in our movement that makes it manifestly impossible to longer delay the calling of a convention to organize a new party. Those who realize that the capturing of the Socialist

Party as such is but an empty victory will not hesitate to respond to this call and leave the "right" and "center" to sink together with their "revolutionary" leaders.

The majority of the delegates to the left wing conference in New York weakly neglected to sever their connections with the reactionary national executive committee. Rendered impotent by the conflicting emotions and lack of understanding present they continued to mark time as centrists in the wake of the right. Their policy is one of endeavor to capture the old party machinery and the stagnant elements which have been struggling for a false unity, who are only ready to abandon the ship when it sinks beneath the waves of reaction.

The condition which confronted the minority delegates at the left wing conference has been met by issuing this call for the formation of a Communist Party of America. The delegates issuing the call represented the following organizations: Socialist Party of Michigan, Left Wing State Convention of Minnesota, locals Buffalo, N. Y., Chicago, Ill., Union Local, N. J., Cudahy, Wis., Rochester, N. Y., Rockford, Ill., Kenosha, Wis., New York, Providence, R. I., Nanticoke, Pa., Milwaukee, Wis., Boston, Mass., and the Polish, Lettish, Russian, Jewish, Lithuanian, Ukrainian, and Esthonian Federations.

No other course is possible; therefore, we, the minority delegates at the left wing conference, call a convention to meet in the city of Chicago on September 1, 1919, for the purpose of organizing a Communist Party in America.

This party will be founded upon the following principles:

1. The present is the period of the dissolution and collapse of the whole capitalist world system, which will mean the complete collapse of world culture, if capitalism with its unsolvable contradictions is not replaced by communism.

2. The problem of the proletariat consists in organizing and training itself for the conquest of the powers of the State. This conquest of power means the replacement of the State machinery of the bourgeoisie with a new proletarian machinery of government.

3. This new proletarian state must embody the dictatorship of the proletariat, both industrial and agricultural, this dictatorship constituting the instrument for the taking over of property used for exploiting the workers, and for the reorganization of society on a communist basis.

Not the fraudulent bourgeois democracy—the hypocritical form of the rule of the finance-oligarchy, with its purely formal equality—but proletarian democracy based on the possibility of actual realization of freedom for the working masses; not capitalist bureaucracy, but organs of administration which have been created by the masses themselves, with the real participation of these masses in the government of the country and in the activity of the communist structure—this should be the type of the proletarian state. The workers' councils and similar organizations represent its concrete form.

4. The dictatorship of the proletariat shall carry out the abolition of private property in the means of production and distribution, by transfer to the proletarian state under Socialist administration of the working class; nationalization of the great business enterprises and financial trusts.

5. The present world situation demands the closest relation between the revolutionary proletariat of all countries.

6. The fundamental means of the struggle for power is the mass action of the proletariat, a gathering together and concentration of all its energies; whereas methods such as the revolutionary use of bourgeois parliamentarism are only of subsidiary significance.

In those countries in which the historical development has furnished the opportunity, the working class has utilized the régime of political democracy for its organization against capitalism. In all countries where the conditions for a worker's revolution are not yet ripe, the same process will go on.

But within this process the workers must never lose sight of the true character of bourgeois democracy. If the finance-oligarchy considers it advantageous to veil its deeds of violence behind parliamentary votes, then the capitalist power has at its command, in order to gain its ends, all the traditions and attainments of former centuries of upper class rule, demagogism, persecution, slander, bribery, calumny and terror. To demand of the proletariat that it shall be content to yield itself to the artificial rules devised by its mortal enemy, but not observed by the enemy, is to make a mockery of the proletarian struggle for power—a struggle which depends primarily on the development of separate organs of the working class power.

7. The old Socialist International has broken into three main groups: (a) Those frankly social patriots who since 1914 have supported their bourgeoisie and transformed those elements of the working class which they control into hangmen of the international revolution.

(b) The "center," representing elements which are constantly wavering and incapable of following a definite plan of action, and which are at times positively traitorous; and

(c) The communists.

As regards the social patriots, who everywhere, in the critical moment oppose the proletarian revolution with force of arms, a merciless fight is absolutely necessary. As regards the "center" our tactics must be to separate the revolutionary elements by pitilessly criticizing the leaders. Absolute separation from the organization of the center is necessary.

8. It is necessary to rally the groups and proletarian organizations who, though not as yet in the vaks of revolutionary trend of the communist movement, nevertheless have manifested and developed a tendency leading in that direction.

Socialist criticism has sufficiently stigmatized the bourgeois world order. The task of the international communist press is to carry on propaganda for the abolition of this order and to erect in its place the structure of the Socialist world order. Under the communist banner, the emblem under which the first great victories have already been won; in the war against imperialistic barbarity, against the privileged classes, against the social and national oppression—we call upon the proletarians of all lands to unite!

PROGRAM OF THE CALL.

1. We favor international alliance of the Socialist movement of the United States only with the Communist groups of other countries, such as the Bolsheviks of Russia, Spartacists of Germany, etc., according to the program of communism as above outlined.

2. We are opposed to association with other groups not committed to the revolutionary class struggle, such as labor parties, nonpartisan leagues, people's councils, municipal ownership leagues and the like.

3. We maintain that the class struggle is essentially a political struggle, that is, a struggle by the proletariat to conquer the capitalist state, whether its form be monarchistic or democratic republican, and to destroy and replace it by a governmental structure adapted to the Socialist transformation.

4. The party shall propagandize class-conscious industrial unionism as against the craft form of unionism, and shall carry on party activity in cooperation with industrial disputes that take on a revolutionary character.

5. We do not disparage voting nor the value of success in electing our candidates to public office—not if these are in direct line with the class struggle. The trouble comes with the illusion that political or industrial immediate achievements are of themselves steps in the revolution, the progressive merging of capitalism into the cooperative commonwealth.

The basis of our political campaign should be:

(a) To propagandize the overthrow of capitalism by proletarian conquest of the political power and the establishment of a dictatorship of the proletariat.

(b) To maintain a political organization as a clearing house for proletarian thought, a center of political education for the development of revolutionary working-class action.

(c) To keep in the foreground our consistent appeal for proletarian revolution; and to analyze the counter proposals and reformist palliatives in their true light of evasion of the issue; recognizing at all times the characteristic developments of the class conflict as applicable to all capitalistic nations.

(d) To propagandize the party organization as the organ of contact with the revolutionary proletariat of other lands, the basis for international association being the same political understanding and the common plan of action, tending toward increasing unity in detail as the international crisis develops.

6. Socialist platforms, proceeding on the basis of the class struggle, recognizing that the Socialist movement has come into the historic period of the social revolution, can contain only the demand for the dictatorship of the proletariat.

(a) The basis of this demand should be thoroughly explained in the economic, political and social analysis of the class struggle, as evolving within the system of capitalism.

(b) The implications of this demand should be illustrated by the first steps and general modes of social reconstruction dependent upon and involved within the proletarian domination of the political life of the nation.

(c) A municipal platform of socialism can not proceed on a separate basis, but must conform to the general platform, simply relating the attainment of local power to the immediate goal of gaining national power. There are no separate city problems within the terms of the class struggle, only the one problem of capitalist versus proletarian domination.

7. We realize that the coming of the social revolution depends on an overwhelming assertion of mass power by the proletariat, taking on political consciousness and the definite direction of revolutionary Socialism. The manifestations of this power and consciousness are not subject to precise, precalculation. But the history of the movement of the proletariat toward the revolutionary proletarian assertion and the political mass strike.

The mass action conception looks to the general unity of the proletarian forces under revolutionary provocation and stimulus. In the preliminary stages, which alone come within our predetermination and party initiative, the tactics of mass action includes all mass demonstrations and mass struggles which sharpen the understanding of the proletariat as to the class conflict and which separate the revolutionary proletariat into group distinct from all others.

Mass action, in time of revolutionary crisis, or the analogous case of large scale industrial conflict, naturally accepts the council form of organization for its expression over a continued period of time.

8. Applying our declarations of party principle to the organization of the party itself, we realize the need, in correspondence with the highly centralized capitalist power to be combated of a centralized party organization.

Organizations indorsing the principles and program outlined as a tentative basis for the organization of a Communist Party are invited to send delegates to the convention in Chicago on September 1, 1919.

The basis of representation to be one delegate for every organization and one additional for every five hundred members or major fraction thereof.

Provided, also, that each language federation shall have one fraternal delegate at the convention.

Provided further, that in States where the States are organized, they shall send delegates as States. In States which are not organized, the locals shall send delegates as such. In locals which are not organized a part of the local may send a delegate.

DENNIS E. BATT,
D. ELBAUM,
O. C. JOHNSON,
JOHN KERACHER,
S. KOPNAGEL,
J. V. STILSON,
ALEXANDER STOKLITSKY,
National Organization Committee.

Send communications to the national office of the organization committee: Dennis E. Batt, 1221 Blue Island Ave., Chicago, Ill.

MANIFESTO OF THE COMMUNIST INTERNATIONAL.

[Manifesto of the first congress of the Communist International, held at Moscow, Mar. 2-6, 1919. Issued Mar. 10, and signed Charles Rakovsky, N. Lenin, G. Zinoviev, Leon Trotsky, Fritz Platten. Text received direct from Moscow. Translated by Ida Ferguson.]

To the proletariat of all countries:

Seventy-two years have gone by since the Communist Party of the World proclaimed its program in the form of the manifesto written by the greatest teachers of the proletarian revolution, Karl Marx and Frederick Engels. Even at that early time, when communism had scarcely come into the arena of conflict, it was hounded by the lies, hatred, and calumny of the possessing classes, who rightly suspected in it their mortal enemy. During these seven decades communism has traveled a hard road of ascent followed by periods of sharp decline; successes, but also severe defeats. In spite of all, the development at bottom went the way forecast by the manifesto of the Communist Party. The epoch of the last decisive battle came later than the apostle of the social revolution expected and wished. But it has come.

We communists, representatives of the revolutionary proletariat, of the different countries of Europe, America, and Asia, assembled in Soviet Moscow, feel and consider ourselves followers and fulfillers of the program proclaimed 72 years ago. It is our task now to sum up the practical revolutionary experience of the working class, to cleanse the movement of its admixtures of opportunism and social patriotism, and to gather together the forces of all the true revolutionary proletarian parties in order to further and hasten the complete victory of the communist revolution.

1. For a long span of years socialism predicted the inevitableness of the imperialistic war; it perceived the essential cause of this war in the insatiable greed of the possessing classes in both camps of capitalist nations. Two years before the outbreak of the war, at the congress of Basle, the responsible socialist leaders of all countries branded imperialism as the instigator of the coming war, and menaced the bourgeoisie with the threat of the socialist revolution—the retaliation of the proletariat for the crimes of militarism. Now, after the experience of five years, after history has disclosed the predatory lust of Germany, and has unmasked the no less criminal deeds on the part of the Allies, the State socialists of the Entente nations, together with their governments, again unmask the deposed German Kaiser. And the German social patriots, who in August, 1914, proclaimed the diplomatic White Book of the Hohenzollern as the holiest gospel of the people to-day in vulgar sycophancy join with the socialists of the Entente countries in accusing as archcriminals the deposed German monarchy which they formerly served as slaves. In this way they hope to erase the memory of their own guilt and to gain the good will of the victors. But alongside the dethroned dynasties of the Romanoffs, Hohenzollerns, and Hapsburgs, and the capitalistic cliques of these lands, the rulers of France, England, Italy, and the United States stand revealed in the light of unfolding events and diplomatic disclosures in their immeasurable villainess.

The contradictions of the capitalist system were converted by the war into beastly torments of hunger and cold, epidemics, and moral savagery for all mankind. In this the academic quarrel in socialism over the theory of increasing misery, and also of the undermining of capitalism through socialism, is now finally determined. Statisticians and teachers of the theory of reconciliation of these contradictions have endeavored for decades to gather together from all countries of the earth real and apparent facts which evidence the increasing well-being of the working class. To-day abysmal misery is before our eyes, social as well as physiological, in all its shocking reality.

Finance-capital, which threw mankind into the abyss of war, has itself suffered catastrophic changes during the course of the war. The dependence of paper money upon the material basis of production was completely destroyed. More and more losing its significance as medium and regulator of capitalistic commodity circulation, paper money becomes merely a means of exploitation, robbery, of military economic oppression. The complete deterioration of paper money now reflects the general deadly crisis of capitalist commodity exchange.

As free competition was replaced as regulator of production and distribution in the chief domains of economy, during the decades which preceded the war, by the system of trusts and monopolies, so the exigencies of the war took the regulating rôle out of the hands of the monopolies and give it directly to the military power. Distribution of raw materials, utilization of petroleum from Baku or Rumania, of coal from Donetz, of cereals from the Ukraine; the fate of German locomotives, railroad cars, and automobiles, the provisioning of famine-stricken Europe with bread and meat, all these basic questions of the economic life of the world are no longer regulated by free competition, nor yet by combinations of national and international trusts, but through direct application of military force.

Just as complete subordination of the power of the State to the purposes of finance-capital led mankind to the imperialistic shambles, so finance-capital has, through this mass slaughter, completely militarized not alone the State but also itself. It is no longer able to fulfill its essential economic functions otherwise than by means of blood and iron.

The opportunists who before the war exhorted the workers, in the name of the gradual transition into socialism, to be temperate; who, during the war, asked for submission in the name of "civil peace" and defense of the Fatherland, now again demand of the workers self-abnegation to overcome the terrible consequences of the war. If this preaching were listened to by the workers capitalism would build out of the bones of several generations a new and still

more formidable structure, leading to a new and inevitable world war. Fortunately for humanity, this is no longer possible.

The absorption by the State of the economic life, so vigorously opposed by capitalist liberalism, has now become a fact. There can be no return either to free competition nor to the rule of the trusts, syndicates, and other economic monsters. The only question is what shall be the future mainstay of state production, the Imperialistic State or the State of the victorious proletariat? In other words, shall the whole of working humanity become the feudal bond servants of the victorious Entente bourgeoisie, which under the name of a League of Nations aided by an "International" army and an "International" navy, here plunders and murders, there throws a crumb, but everywhere enchains the proletariat, with the single aim of maintaining its own rule? Or will the working class take into its own hands the disorganized and shattered economic life and make certain its reconstruction on a socialist basis?

Only the proletarian dictatorship, which recognizes neither inherited privileges nor rights of property, but which arises from the needs of the hungering masses, can shorten the period of the present crisis; and for this purpose it mobilizes all materials and forces, introduces the universal duty to labor, establishes the régime of industrial discipline, this way to heal in the course of a few years the open wounds caused by the war and also to raise humanity to new undreamt-of heights.

The national State which was given a tremendous impulse by capitalistic evolution has become too narrow for the development of the productive forces. And even more untenable has become the position of the small States, distributed among the great powers of Europe and in other parts of the world. These small States came into existence at different times as fragments split off the bigger States, as petty currency in payment for services rendered, to serve as strategic buffer States. They, too, have their dynasties, their ruling gangs, their imperialistic pretensions, their diplomatic machinations, their illusory independence had until the war precisely the same support as the European balance of power; namely, the continuous opposition between the two imperialistic camps. The war has destroyed this balance. The tremendous preponderance of power which the war gave to Germany in the beginning compelled these smaller nations to seek their welfare and safety under the wings of German militarism. After Germany was beaten the bourgeoisie of the small nations, together with their patriotic "socialists," turned to the victorious imperialism of the Allies and began to seek assurance for their further independent existence in the hypocritical "points" of the Wilson program. At the same time the number of little States has increased; out of the unity of the Austro-Hungarian monarchy, out of the different parts of Czarist Empire, new sovereignties have formed themselves. And these, as soon as born, jump at each other's throats on account of their frontier disputes. Meanwhile the allied imperialists brought about certain combinations of new and old small States through the cement of mutual hatreds and general weakness. Even while violating the small and weak peoples and delivering them to famine and degradation, the Entente imperialists, exactly as the imperialists of the Central Powers before them, did not cease to talk of the right of self-determination of all peoples, a right which is now entirely destroyed in Europe and in the rest of the world.

Only the proletarian revolution can secure the existence of the small nations, a revolution which frees the productive forces of all countries from the restrictions of the national States, which unites all peoples in the closest economic cooperation on the basis of a universal economic plan, and gives even to the smallest and weakest peoples the possibility freely and independently to carry on their national culture without detriment to the united and centralized economy of Europe and of the whole world.

The last war, after all a war against the colonies, was at the same time a war with the aid of the colonies. To an unprecedented extent the population of the colonies was drawn into the European war. Indians, Arabs, Madagascans battled on the European Continent—what for?—for their right to remain slaves of England or France? Never did capitalist rule show itself more shameless, never was the truth of colonial slavery brought into such sharp relief. As a consequence we witnessed a series of open rebellions and revolutionary ferment in all colonies. In Europe itself it was Ireland which reminded us in bloody street battles that it is still an enslaved country and feels itself as such. In Madagascar, in Annam, and in other countries, the troops of the bourgeois republic have had more than one insurrection of the colonial slaves to suppress

during the war. In India the revolutionary movement has not been at a standstill for one day, and lately we have witnessed the greatest labor strike in Asia, to which the government of Great Britain answered with armored cars.

In this manner the colonial question in its entirety became the order of the day not alone on the green table of the diplomatic conferences at Paris but also in the colonies themselves. The Wilson program, at the very best, calls only for a change in the firm-name of colonial enslavement. Liberation of the colonies can come only through liberation of the working class of the oppressing nations. The workers and peasants not only of Annam, Algeria, Bengal, but also of Persia and Armenia, can gain independent existence only after the laborers of England and France have overthrown Lloyd-George and Clemenceau and taken the power into their own hands. Even now in the more advanced colonies the battle goes on not only under the flag of national liberation but it assumes also an open and outspoken social character. Capitalistic Europe has drawn the backward countries by force into the capitalistic whirlpool, and socialistic Europe will come to the aid of the liberated colonies with its technique, its organization, its spiritual influence, in order to facilitate their transition into the orderly system of socialistic economy.

Colonial slaves of Africa and Asia! The hour of triumph of the proletarian dictatorship of Europe will also be the hour of your liberation!

II. The whole bourgeois world accuses the Communists of destroying liberties and political democracy. That is not true. Having come into power the proletariat only asserts the absolute impossibility of applying the methods of bourgeois democracy and creates the conditions and forms of a higher working-class democracy. The whole course of capitalistic development undermined political democracy, not only by dividing the nation into two irreconcilable classes but also by condemning the numerous petty bourgeois and semiproletarian elements, as well as the sum proletariat, to permanent economic stagnation and political impotence.

In those countries in which the historical development has furnished the opportunity, the working class has utilized the régime of political democracy for its organization against capitalism. In all countries where the conditions for a worker's revolution are not yet ripe, the same process will go on. But the great middle layers on the farms, as well as in the cities, are hindered by capitalism in the historic development and remain stagnant for whole epochs. The peasant of Bavaria and Baden who does not look beyond his church spire, the small French winegrower who has been ruined by the adulterations practiced by the big capitalists, the small farmer of America plundered and betrayed by bankers and legislators—all these social ranks which have been shoved aside from the main road of development by capitalism, are called on paper by the régime of political democracy to the administration of the state. In reality, however, the finance oligarchy decides all important questions which determine the destinies of nations behind the back of parliamentary democracy. Particularly was this true of the war question. The same applies to the question of peace.

If the finance-oligarchy considers it advantageous to veil its deeds of violence behind parliamentary votes, then the bourgeois state has at its command in order to gain its ends all the traditions and attainments of former centuries of upper-class rule multiplied by the wonders of capitalistic technique—lies, demagogism, persecution, slander, bribery, calumny, and terror. To demand of the proletariat in the final life and death struggle with capitalism that it should follow lamblike the demands of bourgeois democracy would be the same as to ask a man who is defending his life against robbers to follow the artificial rules of a French duel that have been set by his enemy but not followed by him.

In an empire of destruction, where not only the means of production and transportation, but also the institutions of political democracy represent bloody ruins, the proletariat must create its own forms, to serve above all as a bond of unity for the working class and to enable it to accomplish a revolutionary intervention in the further development of mankind. Such apparatus is represented in the workmen's councils. The old parties, the old unions, have proved incapable, in person of their leaders, to understand, much less to carry out, the task which the new epoch presents to them. The proletariat created a new institution which embraces the entire working class, without distinction of vocation or political maturity, an elastic form of organization capable of continually renewing itself, expanding, and of drawing into itself ever new elements, ready to open its doors to the working groups of city and village which are near to the proletariat. This indispensable autonomous organization of the working class

in the present struggle and in the future conquests of different lands, tests the proletariat and represents the greatest inspiration and the mightiest weapon of the proletariat of our time.

Wherever the masses are awakened to consciousness, workers', soldiers', and peasants' councils will be formed. To fortify these councils, to increase their authority, to oppose them to the State apparatus of the bourgeoisie is now the chief task of the class-conscious and honest workers of all countries. By means of these councils the working class can counteract that disorganization which has been brought into it by the infernal anguish of the war, by hunger, by the violent deeds of the possessing classes, and by the betrayal of their former leaders. By means of these councils the working class will gain power in all countries most readily and most certainly when these councils gain the support of the majority of the laboring population. By means of these councils the working class, once attaining power, will control all the field of economic and cultural life, as in Soviet Russia.

The collapse of the imperialistic state, czaristic to most democratic, goes on simultaneously with the collapse of the imperialistic military system. The armies of millions, mobilized by imperialism, could remain steadfast only so long as the proletariat remained obedient under the yoke of the bourgeoisie. The complete breakdown of national unity signifies also an inevitable disintegration of the army. Thus it happened, first in Russia, then in Austria-Hungary, then in Germany. The same also is to be expected in other imperialistic States. Insurrection of the peasants against the landowner, of laborer against capitalist, of both against the monarchic or "democratic" bureaucracy, must lead inevitably to the insurrection of soldier against commander and, furthermore, to a sharp division between the proletarian and bourgeois elements within the army. The imperialistic war which pitted nation against nation, has passed and is passing into the civil war which lines up class against class.

The outcry of the bourgeois world against the civil war and the red terror is the most colossal hypocrisy of which the history of political struggles can boast. There would be no civil war if the exploiters who have carried mankind to the very brink of ruin had not prevented every forward step of the laboring masses, if they had not instigated plots and murders and called to their aid armed help from outside to maintain or restore their predatory privileges. Civil war is forced upon the laboring classes by their archenemies. The working class must answer blow for blow, if it will not renounce its own object and its own future which is at the same time the future of all humanity.

The communist parties, far from conjuring up civil war artificially, rather strive to shorten its duration as much as possible—in case it has become an iron necessity—to minimize the number of its victims, and above all to secure victory for the proletariat. This makes necessary the disarming of the bourgeoisie at the proper time, the arming of the laborer, and the formation of a communist army as the protector of the rule of the proletariat and the inviolability of the social structure. Such is the red army of Soviet Russia which arose to protect the achievements of the working class against every assault from within or without. The Soviet Army is inseparable from the Soviet State.

Conscious of the world historic character of their mission, the enlightened workers strove from the very beginning of the organized socialist movement for an international union. The foundation stone of this union was laid in the year 1864 in London, in the first international. The Franco-Prussian War, from which arose the Germany of the Hohenzollerns, undermined the first international, giving rise at the same time to the national labor parties. As early as 1889 these parties united at the congress of Paris and organized the second international. But during this period the center of gravity of the labor movement rested entirely on national ground, confining itself within the realm of national parliamentarism, to the narrow compass of national States and national industries. Decades of organizing and labor reformism created a generation of leaders most of whom gave verbal recognition to the program of social revolution but denied it in substance. They were lost in the swamp of reformism and adaptation to the bourgeois state. The opportunistic character of the leading parties of the second international was finally revealed—and led to the greatest collapse of the movement in all its history—when events required revolutionary methods of warfare from the labor parties. Just as the war of 1870 dealt a death blow to the first international by revealing that there was not in fact behind the social-revolutionary program any compact power of the masses, so the war of 1914 killed the second international by showing that above the consolidated labor masses

there stood labor parties which converted themselves into servile organs of the bourgeois State.

This includes not only the social patriots who to-day are openly in the camp of the bourgeoisie as preferred confidential advisers and reliable hangmen of the working class, but also the hazy, fickle, and irresolute socialist center which is to-day trying to revive the second international, i. e., the narrowness, opportunism and revolutionary impotence of their predecessors. The Independents of Germany, the present majority of the Socialist Party in France, the Independent Labor Party in England, and similar groups, are actually trying to reestablish themselves in the position which the old official parties of the second international held before the war. They appear as before with proposals of compromise and conciliation and thereby paralyze the energy of the proletariat, lengthening the period of crisis and consequently increasing the misery of Europe. War against the socialist center is a necessary condition of successful war against imperialism.

Spurning the half-heartedness, hypocrisy, and corruption of the decadent official socialist parties, we, the communists assembled in the third international, feel ourselves to be the direct successors of the heroic efforts and martyrdom of a long series of revolutionary generations from Babeuf to Karl Liebknecht and Rosa Luxemburg. As the first international foresaw the future development and pointed the way; as the second international gathered together and organized millions of the proletarians, so the third international is the international of open mass action of the revolutionary realization, the international of deeds. Socialist criticism has sufficiently stigmatized the bourgeois world order. The task of the International Communist Party is now to overthrow this order and to erect in its place the structure of the socialist world order. We urge the working men and women of all countries to unite under the communist banner, the emblem under which the first great victories have already been won.

Proletarians of all countries! In the war against imperialistic barbarity, against monarchy, against the privileged classes, against the bourgeois State and bourgeois property, against all forms and varieties of social and national oppression—unite!

Under the standard of the workmen's councils, under the banner of the third international, in the revolutionary struggle for power and the dictatorship of the proletariat, proletarians of all countries—unite!

PROGRAM.

The new era has begun! The era of the downfall of capitalism—its internal disintegration. The epoch of the proletarian communist revolution. In some countries, victorious proletarian revolution; increasing revolutionary ferment in other lands; uprisings in the colonies; utter incapacity of the ruling classes to control the fate of peoples any longer—that is the picture of world conditions to-day.

Humanity, whose whole culture now lies in ruins, faces danger of complete destruction. There is only one power which can save it—the power of the proletariat. The old capitalist "order" can exist no longer. The ultimate result of the capitalistic mode of production is chaos—a chaos to be overcome only by the great producing class, the proletariat. It is the proletariat which must establish real order, the order of Communism. It must end the domination of capital, make war impossible, wipe out State boundaries, transform the whole world into one cooperative commonwealth, and bring about real human brotherhood and freedom.

World capitalism prepares itself for the final battle. Under cover of the League of Nations and a deluge of pacifist phrase-mongering, a desperate effort is being made to pull together the tumbling capitalist system and to direct its forces against the constantly growing proletarian revolt. This monstrous new conspiracy of the capitalist class must be met by the proletariat by seizure of the political power of the State, turning this power against its class enemies, and using it as a lever to set in motion the economic revolution. The final victory of the proletariat of the world means the beginning of the real history of free mankind.

THE CONQUEST OF POLITICAL POWER.

Seizure of political power by the proletariat means destruction of the political power of the bourgeoisie. The organized power of the bourgeoisie is in the civil State, with its capitalistic army under control of bourgeois-junker

officers, its police and gendarmes, jailers and judges, its priests, government officials, etc. Conquest of the political power means not merely a change in the personnel of ministries but annihilation of the enemy's apparatus of government; disarmament of the bourgeoisie, of the counter-revolutionary officers, of the white guard; arming of the proletariat, the revolutionary soldiers, the red guard of workmen; displacement of all bourgeois judges and organization of proletarian courts; elimination of control by reactionary government officials and substitution of new organs of management of the proletariat. Victory of the proletariat. Victory of the proletariat consists in shattering the enemy's organization and organizing the proletarian power; in the destruction of the bourgeois and upbuilding of the proletarian State apparatus. Not until the proletariat has achieved this victory and broken the resistance of the bourgeoisie can the former enemies of the new order be made useful, by bringing them under control of the communist system and gradually bringing them into accord with its work.

DEMOCRACY AND DICTATORSHIP.

The proletarian state, like every state, is an organ of suppression, but it arrays itself against the enemies of the working class. It aims to break the opposition of the despoilers of labor, who are using every means in a desperate effort to stifle the revolution in blood, and to make impossible further opposition. The dictatorship of the proletariat, which gives it the favored position in the community, is only a provisional institution. As the opposition of the bourgeoisie is broken, as it is expropriated and gradually absorbed into the working groups, the proletarian dictatorship disappears, until finally the state dies and there are no more class distinctions.

Democracy, so-called, that is, bourgeois democracy, is nothing more nor less than veiled dictatorship by the bourgeoisie. The much-vaunted "popular will" exists as little as a unified people. In reality, there are the classes, with antagonistic, irreconcilable purposes. However, since the bourgeoisie is only a small minority, it needs this fiction of the "popular will" as a flourish of fine-sounding words to reinforce its rule over the working classes and to impose its own class will upon the people. The proletariat, on the contrary, as the overwhelming majority of the people, openly exercises its class power by means of its mass organization and through its Soviets. In order to wipe out the privileges of the bourgeoisie and to secure the transition, rather the transformation, into a classless communist commonwealth.

The main emphasis of bourgeois democracy is on formal declarations of rights and liberties which are actually unattainable by the proletariat, because of want of the material means for their enjoyment; while the bourgeoisie uses its material advantages, through its press and organizations, to deceive and betray the people. On the other hand, the Soviet type of government makes it possible for the proletariat to realize its rights and liberties. The Soviet power gives to the people palaces, houses, printing offices, paper supply, etc., for their press, their societies, and assemblies. And in this way alone is actual proletarian democracy made possible.

Bourgeois democracy, with its parliamentary system, uses words to induce belief in popular participation in government. Actually the masses and their organizations are held far out of reach of the real power and the real State administration. In the council-soviet system the mass organizations rule and through them the mass itself, inasmuch as the councils draw constantly increasing numbers of workers into the State administration; and only by this process will the entire working population gradually become part of the government. The council system also builds itself directly on the mass organizations of the proletariat, on the councils themselves, the revolutionary trade unions, the cooperatives, etc. Bourgeois democracy and its parliamentary system sharpen the separation of the masses from the State by division of the government into legislative and executive powers, and through parliamentary mandates beyond popular recall. The council system, by contrast, unites the masses with the organs of government by right of recall, amalgamation of legislature and executive powers, and by use of working boards. Above all this union is fostered by the fact that in the council system elections are based not on arbitrary territorial districts, but on units of production.

In this way the council-soviet system brings true proletarian democracy by and for the proletarians against the bourgeoisie. The industrial proletariat is favored in this system because it is the most aggressive, best organized, and

politically ripest class, under whose leadership the semiproletarians and small farmers will be gradually elevated. These temporary privileges of the industrial proletariat must be utilized to draw the small farmers away from the control of the big landowners and bourgeoisie and to organize and train them as helpers in the building of the communistic structure.

EXPROPRIATION OF THE BOURGEOISIE AND SOCIALIZATION OF PRODUCTION.

The breakdown of the capitalistic order and the disruption of capitalistic industrial discipline makes impossible the reorganization of production on a capitalistic basis. Wage wars of the workingmen—even when successful—do not bring the anticipated betterment of conditions of living; the workers can only become emancipated when production is no longer controlled by the bourgeoisie but by the proletariat. In order to raise the standards of productivity, in order to crush the opposition on the part of the bourgeoisie (which only prolongs the death struggle of the old régime and thereby invites danger of total ruin), the proletarian dictatorship must carry out the expropriation of the greater bourgeoisie and junkerdom and convert the means of production and distribution into the common property of the proletarian state.

Communism is now being born out of the ruins of capitalism—there is no other salvation for humanity. The opportunists who are making utopian demands for the reconstruction of the economic system of capitalism, so as to postpone socialization, only delay the process of disintegration and increase the danger of total demolition. The communist revolution, on the other hand, is the best, only means, by which the most important social power of production—the proletariat—can be saved, and with it society itself.

The dictatorship of the proletariat does not in any way call for partition of the means of production and exchange; rather, on the contrary, its aim is further to centralize the forces of production and to subject all of production to a systematic plan. As the first steps—socialization of the great banks which now control production; the taking over by the power of the proletariat of all government-controlled economic utilities; the transferring of all communal enterprises; the socializing of the syndicated and trustified units of production, as well as all other branches of production in which the degree of concentration and centralization of capital makes this technically practicable; the socializing of agricultural estates and their conversion into cooperative establishments.

As far as the smaller enterprises are concerned, the proletariat must gradually unite them, according to the degree of their importance. It must be particularly emphasized that small properties will in no way be expropriated and that property owners who are not exploiters of labor will not be forcibly dispossessed. This element will gradually be drawn into the socialistic organization through the force of example, through practical demonstration of the superiority of the new order of things, and the regulation by which the small farmers and the petty bourgeoisie of the cities will be freed from economic bondage to usurious capital and landlordism, and from tax burdens (especially by annulment of the national debts), etc.

The task of the proletarian dictatorship in the economic field can only be fulfilled to the extent that the proletariat is enabled to create centralized organs of management and to institute workers' control. To this end it must make use of its mass organizations which are in closest relation to the process of production. In the field of distribution the proletarian dictatorship must reestablish commerce by an accurate distribution of products, to which end the following methods are to be considered: The socialization of wholesale establishments; the taking over of all bourgeois State and municipal apparatus of distribution; control of the great cooperative societies, which organizations will still have an important rôle in the production epoch; the gradual centralization of all these organs and their conversion into a systematic unity for the rational distribution of products.

As in the field of production so also in the field of distribution all qualified technicians and specialists are to be made use of, provided their political resistance is broken and they are still capable of adapting themselves, not to the service of capital, but to the new system of production. Far from oppressing them the proletariat will make it possible for the first time for them to develop intensive creative work. The proletarian dictatorship, with their cooperation, will retrieve the separation of physical and mental work which capitalism has developed and thus will science and labor be unified.

Besides expropriating the factories, mines, estates, etc., the proletariat must also abolish the exploitation of the people by capitalistic landlords, transfer the large mansions to the local workers' councils, and move the working people into the bourgeois dwellings.

During this great transition period the power of the councils must constantly build up the entire administrative organization into a more centralized structure, but on the other hand, constantly draw ever-increasing elements of the working people into the immediate control of government.

THE WAY OF VICTORY.

The revolutionary era compels the proletariat to make use of the means of battle which will concentrate its entire energies, namely, mass action, with its logical resultant, direct conflict with the governmental machinery in open combat. All other methods, such as revolutionary use of bourgeois parliamentarism, will be of only secondary significance.

The indispensable condition for successful struggle is separation not only from the direct servitors of capitalism and enemies of the communist revolution, in which role the social democrats of the right appear, but also from the party of the center (Kautskians), who desert the proletariat at the critical moment in order to come to terms with its open antagonists. On the other hand, there are essential elements of the proletariat, heretofore not within the Socialist Party, who stand now completely and absolutely on the platform of the dictatorship of the proletariat in the form of soviet rule, for example, the corresponding elements among the syndicalists.

The growth of the revolutionary movement in all lands, the danger of suppression of this revolution through the coalition of capitalistic States, the attempts of the socialist betrayers to unite with one another (the formation of the Yellow "International" at Berne), and to give their services to the Wilsonian league; finally the absolute necessity for coordination of proletarian action,—all these demand the formation of a real revolutionary and real Proletarian Communist International. This international, which subordinates this so-called national interests to the interests of the International revolution, will personify the mutual help of the proletariat of the different countries, for without economic and other mutual helpfulness the proletariat will not be able to organize the new society. On the other hand, in contrast with the Yellow International of the social patriots, the Proletarian Communist International will support the plundered colonial peoples in their fight against imperialism, in order to hasten the final collapse of the imperialistic world system.

The capitalistic criminals asserted at the beginning of the world war that it was only in defense of the common Fatherland. But soon German imperialism revealed its real brigand character by its bloody deeds in Russia, in the Ukraine and Finland. Now the entente States unmask themselves as would despoilers and murderers of the proletariat. Together with the German bourgeoisie and social patriots, with hypocritical phrases about peace on their lips, they are trying to throttle the revolution of the European proletariat by means of their war machinery and stupid barbaric colonial soldiery. Indescribable is the White Terror of the bourgeois cannibals. Incalculable are the sacrifices of the working class. Their best—Liebknecht, Rosa Luxemburg—have they lost. Against this the proletariat must defend itself; defend at any price. The Communist International calls the whole world proletariat to this final struggle.

Down with the imperialistic conspiracy of capital!

Long live the International Republic of the Proletarian Councils!

Order this leaflet from Chas. Dirba, secretary, 1217 Hennepin Avenue, Minneapolis, Minn., at \$1.75 per thousand (\$2 per thousand prepaid, in Minnesota).

[Pamphlet No. 1. Price 10 cents. Communist Party of America, Chicago, Ill.]

MANIFESTO AND PROGRAM—CONSTITUTION—REPORT TO THE COMMUNIST INTERNATIONAL.

COMMUNIST PARTY MEMBERSHIP—CONSTITUTIONAL PROVISIONS.

SECTION 1. Every person who accepts the principles and tactics of the Communist Party and the Communist International and agrees to engage actively in the work of the party shall be eligible to membership. It is the aim of this organization to have in its ranks only those who participate actively in its work.

SEC. 2. Applicants for membership shall sign an application card reading as follows:

"The undersigned, after having read the constitution and program of the Communist Party, declares his adherence to the principles and tactics of the party and the Communist International, agrees to submit to the discipline of the party as stated in its constitution, and pledges himself to engage actively in its work."

SEC. 3. Every member must join a duly constituted branch of the party. There shall be no members at large.

SEC. 4. All application cards must be indorsed by two persons who have been members for not less than three months.

SEC. 5. Applications for membership shall not be finally acted upon until two months after presentation to the branch, and in the meantime applicant shall pay initiation fee and dues and shall attend meetings and classes. He shall have a voice and no vote: *Provided*, That this rule shall not apply to the charter members who make application to newly organized branches during the first month.

SEC. 6. No person who is a member or supporter of any other political organization shall be admitted to membership.

SEC. 7. No person who has an entire livelihood from rent, interest, or profits shall be eligible to membership in the Communist Party.

SEC. 8. No person shall be accepted as a member who enters into the service of the National, State, or local governmental bodies otherwise than through the civil service or by legal compulsion: *Provided*, That the civil employment by the Government is of a nonpolitical character.

For information regarding the local organization in your city write to Communist Party of America, 1219 Blue Island Avenue, Chicago, Ill.

THE COMMUNIST PARTY MANIFESTO.

The world is on the verge of a new era. Europe is in revolt. The masses of Asia are stirring uneasily. Capitalism is in collapse. The workers of the world are seeing a new life and securing new courage. Out of the night of war is coming a new day.

The specter of communism haunts the world of capitalism—communism, the hope of the workers to end misery and oppression.

The workers of Russia smashed the front of international capitalism and imperialism. They broke the chains of the terrible war; and in the midst of agony, starvation and the attacks of the capitalists of the world, they are creating a new social order.

The class war rages fiercely in all nations. Everywhere the workers are in a desperate struggle against their capitalist masters. The call to action has come. The workers must answer the call!

The Communist Party of America is the party of the working class. The Communist Party proposes to end capitalism and organize a workers' industrial republic. The workers must control industry and dispose of the products of industry. The Communist Party is a party realizing the limitations of all existing workers' organizations and proposes to develop the revolutionary movement necessary to free the workers from the oppression of capitalism. The Communist Party insists that the problems of the American worker are identical with the problems of the workers of the world.

THE WAR AND SOCIALISM.

A giant struggle is convulsing the world. The war is at end, but peace is not here. The struggle is between the capitalist nations of the world and the international proletariat, inspired by soviet Russia. The imperialisms of the world are desperately arraying themselves against the onswEEPing proletarian revolution.

The League of Nations is dividing the world financially and territorially. It is directing the fight against the workers. It is the last effort of capitalism to save itself.

The reactionary League of Nations is the logical result of this imperialistic war. And the war was the product of capitalism.

Capitalism oppresses the workers. It deprives them of the fruit of their labor, the difference between wages and product constituting the profits of the capitalists. As the capitalists compete with each other, while exploiting

the workers, new and more efficient means of production develop. This compels the concentration of industry which results in monopoly. Under monopoly there is rapid accumulation of capital, producing a surplus which it is necessary to export for investment. This export of capital, together with the struggle to monopolize the world's sources of raw materials and to control undeveloped territory for purposes of investment, is the basis of imperialism.

Imperialism produced the war. The war now being at an end, the victorious nations are concerned almost exclusively with these economic, territorial, and financial problems. The United States was vitally concerned in the war, the issue being world power; and its capitalism, having secured a position of financial supremacy, had a direct imperialistic interest at stake.

The war made a shambles of civilization. It proved the utter incapacity of capitalism to direct and promote the progress of humanity. Capitalism has broken down.

But the socialist movement itself broke down under the test of war. The old dominant moderate socialism accepted and justified the war. It acted against the proletarian revolution and united with the capitalists against the workers. Out of this circumstance developed the forces of revolutionary socialism now expressed in the communist international.

Socialism had repeatedly emphasized the menace of war. It had urged the workers to act against the war. The socialist congress at Basel in 1912, when Europe was on the verge of a general war, condemned the war as imperialistic and as unjustifiable on any pretext of national interest. It urged using the crisis of war to "rouse the masses and to hasten the downfall of capitalism."

The war that came in 1914 was the same imperialistic war that might have come in 1912. But upon the declaration of war the dominant opportunistic Socialist parties accepted and justified the war of plunder and mass murder!

This was a direct betrayal of socialism. It was an abandonment of the class struggle. The class struggle is the very heart of revolutionary socialism. Unless the Socialist movement wages the class struggle under any and all conditions in its revolutionary implications, it becomes either Utopian or reactionary. But moderate socialism accepted the war and the "unity of the classes" and united with the capitalist governments against the working class.

The Socialist parties accepted the war as a war for democracy—as if democracy under imperialism is not directly counter-revolutionary. They justified the war as a war for the independence of nations. Not the proletarian class struggle, but nationalism, social patriotism, and social imperialism determined the policy of the dominant socialism. The coming of socialism was made dependent upon the workers cutting each other's throats in the struggles of their own ruling class!

SOCIALISM AND COMMUNISM.

The collapse of the Socialist International during the war marks the transition from the older moderate socialism to the new socialism of revolutionary practice and promise in the Communist International.

Moderate socialism, which perverted the revolutionary socialism of the First International, placed its faith in "constructive" social reforms. It accepted the bourgeois state as the basis of its activities, and then strengthened that state. It developed a policy of "class reconciliation," affirming that the coming of socialism was a concern of "all the classes." Instead of emphasizing the Marxian policy that it was the task of the revolutionary proletariat alone. There was a joint movement that affected the thought and practice of socialism: On the one hand, the organization of the skilled workers into trade-unions, which secured certain concessions and became a semiprivileged caste; and, on the other hand, the decay of the class of small producers, crushed under the iron tread of industrial concentration. As one moved upward and the other downward, they met and formed a political juncture to use the state to improve their conditions. The dominant socialism expressed this compromise. It developed a policy of legislative reforms and State capitalism.

The whole process was simple. The workers were to unite with the middle class and Government ownership of industry was to emancipate the working class. Parliamentarism was to revolutionize the old order of slavery and power, of oppression and destruction.

It was simple but disastrous. The State, as owner of industry, did not free the workers, but imposed a sterner bondage. The capitalist State was made stronger by its industrial functions. The parliamentary representatives of the workers played at the parliamentary comedy, while capitalism developed new powers of oppression and destruction.

But imperialism exposed the final futility of this policy. Imperialism united the nonproletarian classes, by means of State capitalism, for international conquest and spoliation. The small capitalists, middle class, and the aristocracy of labor, which previously acted against concentrated industry, now compromise and unite with concentrated industry and finance-capital in imperialism. The small capitalists accept the domination of finance-capital, being allowed to participate in the adventures and the fabulous profits of imperialism, upon which now depends the whole of trade and industry. The middle class invests in monopolistic enterprises; its income now depends upon finance-capital, its members securing "positions of superintendence," its technicians and intellectuals being exported to lands in process of development. The workers of the privileged unions are assured steady employment and comparatively high wages through the profits that come in from the savage exploitation of colonial peoples. All these nonproletarian social groups accept imperialism, their "liberal and progressive" ideas becoming camouflage for imperialism with which to seduce the masses. Imperialism requires the centralized state, capable of uniting all the forces of capital, of unifying the industrial process through State regulation, of maintaining "class peace," of mobilizing the whole national power for the struggles of imperialism. State capitalism is the expression of imperialism, precisely that State capitalism promoted by moderate socialism. What the parliamentary policy of socialism accomplished was to buttress the capitalistic state, to promote State capitalism to strengthen imperialism.

Moderate socialism developed while capitalism was still competitive. Upon the advent of monopoly and imperialism, socialism emerged into a new epoch—an epoch requiring new and more aggressive proletarian tactics. Capitalism acquired a terrific power in industry and the state. The concentration of industry, together with the subservience of parliaments to the imperialistic mandates and the transfer of their vital functions to the executive organ of government, made more clear the impossibility of the parliamentary conquest of power. The older unionism and parliamentary socialism proved their utter incompetence for the new conditions of struggle. These conditions developed the concept of industrial unionism in the United States and the concept of mass action in Europe. Imperialism made it necessary to reconstruct the socialist movement.

But moderate socialism itself did not change under the necessity of events. The consequence was a miserable collapse under the test of the war and the proletarian revolution in Russia and Germany.

In the Russian revolution, the proletariat, urging on the poorer peasantry, conquered the power of the state after the first revolution had established the democratic parliamentary republic. It established a dictatorship of the proletariat. This proletarian revolution was accomplished in spite of the opposition of modern socialism, represented by the Mensheviks and the Social Revolutionists. These moderates argued that since Russia was economically an undeveloped country, it was premature to make a proletarian revolution in Russia and historically impossible to realize socialism.

Moderate socialism in Germany also acted against the proletarian revolution. It offered a capitalist parliamentary republic as against proletarian dictatorship.

The issue in Germany could not be obscured. Germany was a fully developed nation industrially, its economic conditions were mature for the introduction of socialism. But moderate socialists rejected the revolutionary task.

There is a common policy that characterizes moderate socialism; that is, its conception of the state. Out of the conception that the bourgeois parliamentary state is the basis for the introduction of socialism developed a directly counter-revolutionary policy.

Communism rejects this conception of the state. It rejects the idea of class reconciliation and the parliamentary conquest of capitalism. The communist party alone is capable of mobilizing the proletariat for the revolutionary mass struggle to conquer the power of the state. The Communist Party realizes that it is necessary to develop separate organs of working class political power by means of which to crush the resistance of capitalism and establish the Communist Commonwealth.

AMERICAN SOCIALISM.

Socialism in the United States, prior to the appearance of the Socialist Labor Party, was a movement of isolated and indefinite protest. It was the sport of middle class movements, while itself split by socialist and anarchist factions.

The Socialist Labor Party, after casting off the nonsocialist elements, developed as a consistent party of revolutionary socialism. Particularly, the Socialist Labor Party realized the importance of imparting a socialist character and consciousness to the unions. The Socialist Labor Party, together with the experience of the Western Federation of Miners and the American Labor Union, developed the theory and practice of industrial unionism.

The struggle of the Socialist Labor Party against the old unionism developed a secession from the party of elements who considered protecting the reactionary American Federation of Labor more important than revolutionary socialism. These, together with bourgeois and agrarian radicals, organized the Socialist Party.

The Socialist Party was a party of moderate socialism. Its policy was that of Government ownership of industry, not the proletarian conquest of power. It maintained that the middle class and the lesser capitalists are necessary in the socialist struggle against capitalism. The Socialist Party asserted in substance: Socialism is a struggle of all the people against the trusts, making the realization of socialism depend upon the "unity of the common people," the workers, the small capitalists and investors, the professions. In short, the official policy of the Socialist Party was to attain socialism by means of capitalist democracy.

The Socialist Party stultified proletarian political action by limiting it to elections and participation in legislative reform activity. The party favored reactionary trades-unionism as against revolutionary industrial unionism.

The Socialist Labor Party developed a purely theoretical activity of real value, but was isolated from the masses. The Socialist Party attained a considerable membership, but largely of a petty bourgeois character. The war brought in new industrial proletarian elements, but the party still isolated itself from revolutionary theory and practice. The proletarian masses in the Socialist Party required simply the opportunity to develop a revolutionary proletarian policy.

The Socialist Party, under the impulse of its proletarian membership, adopted a militant declaration against the war, but the officials of the party sabotaged this declaration. The official policy of the party on the war was that of liberal pacifism. The party bureaucracy united with the People's Council, which propagandized a Wilson peace. The 1918 party platform accepted the Wilson "14 points," as adopted by the prowar Interallied Labor and Socialist Conference.

The war and proletarian revolution in Russia sharpened the antagonism between the party policy and the revolutionary proletarian temper in the party. Revolt broke loose. The Socialist Party was crushed. The Communist Party is the response to this revolt and to the call of the Communist International.

COMMUNIST PARTY PROBLEMS.

The United States is now a world power. It is developing a centralized, autocratic Federal Government, acquiring financial and military reserves for aggression and wars of conquest. Imperialism now consciously dominates the national policy.

The war strengthened American capitalism, instead of weakening it, as in Europe. But the collapse of capitalism in other countries will play upon and affect events in this country. Feverishly American capital is developing a brutal campaign of terrorism. It is utterly incompetent on the problems of reconstruction that press down upon society. Its "reconstruction" program aims simply to develop power for aggression and plunder in the markets of the world. While this is not the moment of actual revolution, it is a moment of struggles pregnant with revolution.

Strikes are developing, verging on revolutionary action, and in which the suggestion of proletarian dictatorship is apparent. The strike workers try to usurp functions of industry and government, as in the Seattle and Winnipeg general strikes.

A minor phase of proletarian unrest is the trade-unions organizing a labor party in an effort to conserve what they have secured as a privileged caste. A labor party is not the instrument of aggressive working class struggle. It can not break the power of the capitalists and the profit system of oppression and misery, since it accepts private property and the "rights of capital." The practice of a labor party is in general the practice of the Socialist Party—cooperation with bourgeois "progressives" and reforming capitalism on the basis of the capitalist parliamentary State. Laborism is as much a danger to the proleta-

rian as moderate petty bourgeois socialism, the two being expressions of an identical social tendency and policy. There can be no compromise either with laborism or reactionary socialism.

But there is a more vital tendency, the tendency of the workers to start mass strikes—strikes which are equally a revolt against the bureaucracy of the unions and the capitalists. The Communist Party will endeavor to broaden and deepen these strikes, making them general and militant, developing the general political strike.

The Communist Party accepts as the basis of its action the mass struggles of the proletariat, engaging directly in these struggles and emphasizing their revolutionary implications.

POLITICAL ACTION.

The proletarian class struggle is essentially a political struggle. It is a political struggle in the sense that its objective is political—overthrow of the political organizations upon which capitalist exploitation depends, and the introduction of a proletarian state power. The object is the conquest by the proletariat of the power of the state.

Communism does not propose to "capture" the bourgeois parliamentary state, but to conquer and destroy it. As long as the bourgeois state prevails the capitalist class can baffle the will of the proletariat.

In those countries in which historical development has furnished the opportunity, the working class has utilized the régime of political democracy for its organization against capitalism. In all countries where the conditions for a workers' revolution are not yet ripe, the same process will go on. The use of parliamentarism, however, is only of secondary importance.

But within this process the workers must never lose sight of the true character of bourgeois democracy. If the finance-oligarchy considers it advantageous to veil its deeds of violence behind parliamentary votes, then the capitalist class has at its command in order to gain its end, all the traditions and attainments of former centuries of working class rule, multiplied by the wonders of capitalist technique—lies, demagogism, persecution, slander, bribery. To the demand of the proletariat that it shall be content to yield itself to the artificial rules devised by its mortal enemy but not observed by the enemy is to make a mockery of the proletarian struggle for power, a struggle which depends primarily on the development of separate organs of working class power.

The parliamentarism of the Communist Party performs a service in mobilizing the proletariat against capitalism, emphasizing the political character of the class struggle.

The conquest of the power of the state is accomplished by the mass power of the proletariat. Political mass strikes are a vital factor in developing this mass power, preparing the working class for the conquest of capitalism. The power of the proletariat lies fundamentally in its control of the industrial process. The mobilizing of this control against capitalism means the initial form of the revolutionary mass action that will conquer the power of the state.

UNIONISM AND MASS ACTION.

The older unionism was based on the craft divisions of small industry. The unions consisted primarily of skilled workers, whose skill is itself a form of property. The unions were not organs of the militant class struggle. To-day the dominant unionism is actually a bulwark of capitalism, merging in imperialism and accepting State capitalism.

The concentration of industry and the development of the machine process expropriated large numbers of the skilled workers of their skill; but the unions still maintained the ideology of property contract and caste. Deprived of actual power by the ineffectiveness of its localized strikes as against large scale industry, trades unionism resorts to dickers with the bourgeois state and accepts imperialistic State capitalism to maintain its privileges as against the unskilled industrial proletariat.

The concentration of industry produces the industrial proletariat—the machine workers. This proletariat, massed in the basic industry, constitutes the militant basis of the class struggle. Deprived of skill and craft divisions, the old petty isolated strike is useless to these workers.

These facts of industrial concentration developed the concept of industrial unionism among the organized workers, and mass action among the unorganized.

Mass action is the proletarian response to the facts of modern industry, and the forms it imposes upon the proletarian class struggle. Mass action develops as the spontaneous activity of unorganized workers in the basic industry; its initial form is the mass strike of the unskilled. In these strikes large masses of workers are unified by the impulse of the struggle, developing a new tactic and a new ideology.

Mass action is industrial in its origin, but it acquires political character as it develops fuller forms. Mass action, in the form of general political strikes and demonstrations, unites the energy and forces of the proletariat, brings proletarian mass pressure upon the bourgeois state. The more general and conscious mass action becomes, the more it antagonizes the bourgeois state, the more it becomes political mass action. Mass action is responsive to life itself, the form of aggressive proletarian struggle under imperialism. Out of this struggle develops revolutionary mass action, the means for the proletarian conquest of power.

The conception of mass action has little in common with syndicalism. In its mass impulse, syndicalism was a protest against futility of parliamentarism. But anarcho-syndicalism tactically and theoretically is a departure from Marxism. It does not appreciate the necessity of a proletarian state during the transition period from capitalism to communism (which implies the disappearance of all forms of the State). Syndicalism makes the proletarian revolution a direct seizure of industry, instead of the conquest of the power of the State.

Industrial unionism, also, can not conquer the power of the State. Under the conditions of capitalism it is impossible to organize the whole working class into industrial unions. It will be necessary to rally the workers, organized and unorganized, by means of revolutionary mass action. Moreover, industrial unionism does not actually construct the forms of the communist administration of industry, only potentially. After the conquest of power the industrial unions may become the starting point of the communist reconstruction of society. But the conception that the majority of the working class can be organized into conscious industrial unions and construct under capitalism the form of the communist society is as Utopian as the moderate socialist conception of the gradual "growing into socialism."

DICTATORSHIP OF THE PROLETARIAT.

The proletarian revolution comes at the moment of crises in capitalism, of a collapse of the old order. Under the impulse of the crises, the proletariat act for the conquest of power, by means of mass action. Mass action concentrates and mobilizes the forces of the proletariat, organized and unorganized; it acts equally against the bourgeois state and the conservative organizations of the working class. Strikes of protest develop into general political strikes and then into revolutionary mass action for the conquest of the power of the State. Mass action becomes political in purpose while extraparliamentary in form; it is equally a process of revolution and the revolution itself in operation.

The State is an organ of coercion. The bourgeois parliamentary state is the organ of the bourgeoisie for the coercion of the proletariat. Parliamentary government in the expression of bourgeois supremacy, the form of authority of the capitalist over the worker. Bourgeois democracy promotes the dictatorship of capital, assisted by the press, the pulpit, the army and the police. Bourgeois democracy is historically necessary, on the one hand, to break the power of feudalism, and, on the other, to maintain the proletariat in subjection. It is precisely this democracy that is now the instrument of imperialism, since the middle class, the traditional carrier of democracy, accepts imperialism. The proletarian revolution disrupts bourgeois democracy. It disrupts this democracy in order to end class divisions and class rule, to realize industrial self-government of the workers. Therefore it is necessary that the proletariat organize its own state for the coercion and suppression of the bourgeoisie. Proletarian dictatorship is a recognition of that fact; it is equally a recognition of the fact that in the communist reconstruction of society the proletariat alone counts as a class.

While the dictatorship of the proletariat performs the negative task of crushing the old order, it performs the positive task of constructing the new. Together with the government of the proletarian dictatorship, there is developed a new "government," which is no longer government (in the old

sense, since it concerns itself with the management of the production and not with the government of persons. Out of workers' control of industry, introduced by the proletarian dictatorship, there develops the complete structure of communist socialism—industrial self-government of the communistically organized producers. When this structure is completed, which implies the complete expropriation of the bourgeoisie, economically and politically, the dictatorship of the proletariat ends, in its place coming the full, free social and individual autonomy of the communist order.

THE COMMUNIST INTERNATIONAL.

The Communist International, issuing directly out of the proletarian revolution in action, is the organ of the international revolutionary proletariat; just as the League of Nations is the organ of the joint aggression and resistance of the dominant imperialism.

The Communist International represents a socialism in complete accord with the revolutionary character of the class struggle. It unites all the conscious revolutionary forces. It wages war equally against imperialism and moderate socialism—each of which has demonstrated its complete inability to solve the problems that now press down upon the workers. The Communist International issues its call to the conscious proletariat for the final struggle against capitalism.

It is not a problem of immediate revolution. The revolutionary epoch may last for years, and tens of years. The Communist International offers a program both immediate and ultimate in scope.

The old order is in decay. Civilization is in collapse. The workers must prepare for the proletarian revolution and the communist reconstruction of society.

The Communist International calls!

Workers of the world, unite!

THE PROGRAM OF THE PARTY.

The Communist Party is the conscious expression of the class struggle of the workers against capitalism. Its aim is to direct this struggle to the conquest of political power, the overthrow of capitalism and the destruction of the bourgeois state.

The Communist Party prepares itself for the revolution in the measure that it develops a program of immediate action, expressing the mass struggles of the proletariat. These struggles must be inspired with revolutionary spirit and purposes.

The Communist Party is fundamentally a party of action. It brings to the workers a consciousness of their oppression, of the impossibility of improving their conditions under capitalism. The Communist Party directs the workers' struggle against capitalism, developing fuller forms and purposes in this struggle, culminating in the mass action of the revolution.

I. The Communist Party maintains that the class struggle is essentially a political struggle; that is, a struggle to conquer the power of the State.

(a) The Communist Party shall keep in the foreground its consistent appeal for proletarian revolution, the overthrow of capitalism and the establishment of a dictatorship of the proletariat. As the opposition of the bourgeoisie is broken, as it is expropriated and gradually absorbed in the working groups, the proletarian dictatorship disappears, until finally the State dies and there are no more class distinctions.

(b) Participation in parliamentary campaigns, which in the general struggle of the proletariat is of secondary importance, is for the purpose of revolutionary propaganda only.

(c) Parliamentary representatives of the Communist Party shall not introduce or support reform measures. Parliaments and political democracy shall be utilized to assist in organizing the working class against capitalism and the State. Parliamentary representatives shall consistently expose the oppressive class character of the capitalist state, using the legislative forum to interpret and emphasize the class struggle; they shall make clear how parliamentarism and parliamentary democracy deceive the workers; and they shall analyze capitalist legislative proposals and reform palliatives as evasions of the issue and as of no fundamental significance to the working class.

(d) Nominations for public office and participation in elections are limited to legislative bodies only, such as municipal councils, state legislatures, and the National Congress.

(e) The uncompromising character of the class struggle must be maintained under all circumstances. The Communist Party accordingly, in campaigns and elections, and in all its other activity, shall not cooperate with groups or parties not committed to the revolutionary class struggle, such as the Socialist Party, Labor Party, non-Partisan League, People's Council, Municipal Ownership Leagues, etc.

II. The Communist Party shall make the great industrial struggle of the working class its major campaign, in order to develop an understanding of the strike in relation to the overthrow of capitalism.

(a) The Communist Party shall participate in mass strikes, not only to achieve the immediate purposes of the strike, but to develop the revolutionary implications of the mass strike.

(b) Mass strikes are vital factors in the process out of which develops the workers' understanding and action for the conquest of power.

(c) In mass strikes under conditions of concentrated capitalism there is latent the tendency toward the general mass strike, which takes on a political character and manifests the impulse toward proletarian dictatorship.

In these general mass strikes the Communist Party shall emphasize the necessity of maintaining industry and the taking over of social functions usually discharged by the capitalists and the institutions of capitalism. The strike must cease being isolated and passive; it must become positive, general, and aggressive, preparing the workers for the complete assumption of industrial and social control.

(a) Every local and district organization of the party shall establish contact with industrial units in its territory, the shops, mills, and mines—and direct its agitation accordingly.

(b) Shop committees shall be organized wherever possible for the purpose of communist agitation in a particular shop or industry by the workers employed there. These committees shall be united with each other and with the Communist Party, so that the party shall have actual contact with the workers and mobilize them for action against capitalism.

III. The Communist Party must engage actively in the struggle to revolutionize the trade unions. As against the unionism of the American Federation of Labor, the Communist Party propagandizes industrial unionism and industrial union organization, emphasizing their revolutionary implications. Industrial unionism is not simply a means for the everyday struggle against capitalism; its ultimate purpose is revolutionary, implying the necessity of ending the capitalist parliamentary state. Industrial unionism is a factor in the final mass action for the conquest of power, as it will constitute the basis for the industrial administration of the communist commonwealth.

(a) The Communist Party recognizes that the A. F. of L. is reactionary and a bulwark of capitalism.

(b) Councils of workers shall be organized in the shops as circumstances allow for the purpose of carrying on the industrial union struggle in the old unions, uniting and mobilizing the militant elements; these councils to be unified in a central council wherever possible.

(c) It shall be a major task of the Communist Party to agitate for the construction of a general industrial union organization embracing the I. W. W., W. I. I. U., independent and secession unions, militant unions of the A. F. of L., and the unorganized workers on the basis of the revolutionary class struggle.

IV. The Communist Party shall encourage movements of the workers in the shops seeking to realize workers' control of industry, while indicating their limitations under capitalism; concretely, any movement analogous to the Shop Stewards of England. These movements (equally directed against the union bureaucracy) should be related to the Communist Party.

V. The unorganized unskilled workers (including the agricultural proletariat) constitute the bulk of the working class. The Communist Party shall directly and systematically agitate among these workers, awakening them to industrial union organization and action.

VI. In close connection with the unskilled workers is the problem of the Negro worker. The Negro problem is a political and economic problem. The racial oppression of the Negro is simply the expression of his economic bondage and oppression, each intensifying the other. This complicates the Negro problem, but does not alter its proletarian character. The Communist Party will

carry on agitation among the Negro workers to unite them with all class conscious workers.

VII. The United States is developing an aggressive militarism. The Communist Party will wage the struggle against militarism as a phase of the class struggle to hasten the downfall of capitalism.

VIII. The struggle against imperialism, necessarily an international struggle, is the basis of proletarian revolutionary action in this epoch.

(a) There must be close unity with the Communist International for common action against the Imperialism.

(b) The Communist Party emphasizes the common character of the struggle of the workers of all nations, making necessary the solidarity of the workers of the world.

THE PARTY CONSTITUTION.

I. NAME AND PURPOSE.

SEC. 1. The name of this organization shall be the Communist Party of America. Its purpose shall be the education and organization of the working class for the establishment of the dictatorship of the proletariat, the abolition of the capitalist system, and the establishment of the communist society.

II. EMBLEM.

SEC. 1. The emblem of the party shall be a button with the figure of the earth in the center in white with gold lines and a red flag across the face bearing the inscription, "All power to the workers"; around the figure of the earth a red margin shall appear with the words "The Communist Party of America" and "The Communist International" on this margin in white letters.

III. MEMBERSHIP.

SEC. 1. Every person who accepts the principles and tactics of the Communist Party and the Communist International and agrees to engage actively in the work of the party shall be eligible to membership. It is the aim of this organization to have in its ranks only those who participate actively in its work.

SEC. 2. Applicants for membership shall sign an application card reading as follows:

"The undersigned, after having read the constitution and program of the Communist Party, declares his adherence to the principles and tactics of the party and the Communist International; agrees to submit to the discipline of the party as stated in its constitution and pledges himself to engage actively in its work."

SEC. 3. Every member must join a duly constituted branch of the party. There shall be no members at large.

SEC. 4. All application cards must be endorsed by two persons who have been members for not less than three months.

SEC. 5. Applications for membership shall not be finally acted upon until two months after presentation to the branch, and in the meantime applicant shall pay initiation fee and dues and shall attend meetings and classes. He shall have a voice and no vote. Provided that this rule shall not apply to the charter members of new branches nor to the members who make application to newly organized branches during the first month.

SEC. 6. No person who is a member or supporter of any other political organization shall be admitted to membership.

SEC. 7. No person who has an entire livelihood from rent, interest or profit shall be eligible to membership in the Communist Party.

SEC. 8. No person shall be accepted as a member who enters into the service of the national, State or local governmental bodies otherwise than through the civil service or by legal compulsion.

Provided, that the civil employment by the Government is of a non-political character.

SEC. 9. No members of The Communist Party shall contribute articles or editorials of a political or economic character to publications other than those of the Communist Party or of parties affiliated with the Communist International. (This clause shall not be considered as prohibiting the contribution of

articles written from an economic or scientific standpoint to scientific or professional journals. Permission to answer an attack upon the Communist Party in the bourgeoisie press may be granted by the central executive committee).

IV. UNITS OF ORGANIZATIONS.

SEC. 1. The basic organization of the Communist Party shall be branches of not less than seven members. (Applicants for a charter shall fill out the form provided by the national organization.)

SEC. 2. Two or more branches located in the same city shall form a city central committee. City central committees may include branches in adjacent territory, subject to supervision of the central management of the party.

SEC. 3. City central committees and all other branches in the same State shall form State organizations. Provided, that under the control of the central executive committee more than one State may be included in a single district organization; and provided also that district organizations may be formed by the central executive committee along the lines of industrial rather than State divisions.

SEC. 4. Branches of the Communist Party made up of members who speak a foreign language, when there are ten or more of such branches, consisting of a total not less than 750 members, may form a language federation. Provided, that this rule shall not apply as to members of those federations affiliating with the party at the time of its organization or within four months thereafter. No more than one federation of the same language may exist in the party.

SEC. 5. All language branches shall join and become part of the federations of their language, if such a federation exists.

SEC. 6. All subsidiary units shall be combined in the Communist Party. Branches of the cities, States, districts and federations shall be units of the Communist Party.

V. ADMINISTRATION.

SEC. 1. The supreme administrative body of the Communist Party shall be the convention of the party.

SEC. 2. Between the meetings of the conventions the supreme body shall be the central executive committee elected by the convention. The central executive committee shall consist of 15 members. The convention shall also elect five alternates who shall take their places as members of the central executive committee in case of vacancies in the order of their vote.

SEC. 3. The central executive committee shall elect from its members a sub-committee of five members, who together with the executive secretary and the editor of the central organ of the party shall be known as the executive council. The members of the executive council shall live in the city in which the national headquarters are located or in adjacent cities. This executive council shall carry on the work of the party under the supervision of the central executive committee.

SEC. 4. The convention shall elect an executive secretary and the editor of the central organ of the party. All other officials shall be appointed by the central executive committee.

SEC. 5. The executive secretary and editor shall conduct their work under the direction of the central executive committee.

SEC. 6. The supreme administrative power of the State, district, federation, or city units shall be vested in the conventions of these respective units. Conventions of the State or district organization shall be held in May or June each year.

SEC. 7. Between conventions of the district, State, and federation the central executive committee of these organizations shall be the supreme bodies.

SEC. 8. The central executive committee of these organizations shall in each case be elected by the conventions, which shall also determine the number of members.

SEC. 9. The city central committees shall consist of delegates elected by the branches upon the basis of proportional representation. They shall meet at least once each month. The city central committees shall elect their executive committees and executive officers.

SEC. 10. Each federation shall elect a translator-secretary, who shall have an office in the national headquarters and whose salary shall be paid by the

national organization. Translator-secretaries are the representatives of their organizations in the national headquarters, and shall serve as mediums of communication. They shall submit monthly to the executive secretary and the State and district organizations a statement showing all the dues stamps sold during the previous month. Translator-secretaries shall not be eligible to membership in the central executive committee but shall meet with the committee and the executive council and have a voice but no vote.

VI. DUES.

SECTION 1. Each applicant for membership shall pay an initiation fee of 50 cents, which shall be received for by an initiation stamp furnished by the national organization. The 50 cents shall be divided between the branch and city central committee. Where there is no city central committee its share shall be paid to the State or district organization.

SEC. 2. Each member shall pay 40 cents per month in dues. Stamps shall be sold to the State or district organization at 15 cents; State or district organizations shall sell stamps to the city central committees and branches in cases where there are no city committees at 25 cents; city central committees shall sell stamps to branches at 30 cents.

SEC. 3. Branches of language federation shall purchase their dues stamps through their federations. Translator-secretaries shall pay 10 cents per stamp to the national organization and shall remit to each State or district organization 10 cents for each stamp sold each month. Where a city central committee exists the State or district organization shall remit 5 cents of this amount to the city central committee. Members of language federation branches pay 40 cents per stamp, 10 cents going to the branch and 10 cents to the federation.

SEC. 4. Special assessment may be levied by the national organization, federations, or the central executive committee. No member shall be considered in good standing unless he purchased such special assessment stamps.

SEC. 5. Husband and wife belonging to the same branch may purchase dual stamps, which shall be sold at the same price as the regular stamps. Special assessments must be paid by both husband and wife.

SEC. 6. Member unable to pay dues on account of unemployment, strikes, sickness, or for similar reasons shall, upon application to their financial secretary, be furnished exempt stamps. Provided that no State or district organization or federation shall be allowed exempt stamps in a proportion greater than 5 per cent of its monthly purchase of regular stamps.

SEC. 7. Members who are three months in arrears in payment of their dues shall cease to be members of the party in good standing. Members who are six months in arrears shall be stricken from the rolls. No member shall pay dues in advance for a period of more than three months.

VII. DISCIPLINE.

SECTION 1. All decisions of the governing bodies of the party shall be binding upon the membership and subordinate units of the organizations.

SEC. 2. Any member or organization violating the decisions of the party shall be subject to expulsion by the organization which has jurisdiction. Charges against members shall be made before branches, subject to appeal by either side to the city central committee or State or district organization where there is no city central committee. Charges against the branches shall be made before the city central committee, or where there is no city central committee, before the State or district organization. Decisions of the city central committee in the case of branches shall be subject to revision by the State or district organization. Charges against State or district organizations shall be made before the central executive committee. When a city central committee expels a federation branch, the branch shall have the right to present its case to the central executive committee of the federation. If the central executive committee of the federation decides to that effect it may bring an appeal for reinstatement before the central executive committee of the party, which shall make final disposition of the matter.

SEC. 3. Members and branches of the federation shall be subject to the discipline of the federation. Branches expelled by the federation shall have the right to appeal to the city central committee, or, when there is no city central committee, to the State or district organization. If the city central committee or the State or district organization does not uphold the expulsion

the matter shall be referred to the central committee upon documentary evidence, and if the decision of the city central committee or State or district organization is upheld, the branch shall be reinstated as a branch of the federation.

SEC. 4. Each unit of the party organization shall restrict its activities to the territory it represents.

SEC. 5. A member who desires to transfer his membership to another branch shall secure a transfer card from the financial secretary of his branch. No branch shall receive a member from another branch without such a transferral card, and upon presentation of the transfer card the secretary of the branch receiving the same shall make inquiry about the standing of the member to the secretary issuing the card.

SEC. 6. All party units shall use uniform application cards, dues books, and accounting records, which shall be printed by the national organization.

SEC. 7. All employees of the party must be party members.

VIII. HEADQUARTERS.

SECTION 1. The national headquarters of the party shall be located in Chicago. In an emergency, district or State office may be used as the national headquarters.

IX. QUALIFICATIONS.

SECTION 1. Members of the central executive committee, the executive secretary, editor, international delegates and international secretary and all candidates for political office must have been members of the party for two years at the time of their election or nomination. Those shall be eligible in election to party offices or nomination to public office on June 1, 1920, who join the Communist Party before January 1, 1920. All who state their intention of joining the Communist Party shall be eligible at this convention.

X. CONVENTIONS.

SECTION 1. National conventions shall be held annually during the month of June, the specific date and place to be determined by the central executive committee. The central executive committee may call emergency conventions, and such conventions may also be called by referendum vote.

SEC. 2. Representation at the national convention shall be upon the basis of one delegate for each 500 members or major fraction thereof; *Provided*, That when the number of delegates would exceed a total of 200 the central executive committee shall increase the basis of representation so that the number of delegates shall not exceed that figure.

SEC. 3. Delegates shall be apportioned to the State or district organizations on the basis of one delegate for each such organization, and the apportionment of the balance on the basis of the average membership for the six months prior to the issue of the call for the convention. Delegates shall be elected at the convention of the State or district organization.

SEC 5. Delegates to the national convention shall be paid their traveling expenses and a per diem of \$5.

SEC. 6. The call for the convention and the apportionment of delegates shall be published not later than April 1.

XI. REFERENDUM AND RECALL.

SECTION 1. Referendums on the question of party platform policy or constitution shall be held upon the petition of 25 or more branches representing 5 per cent of the membership; 2) or by initiative of the central executive committee; 3) or by initiative of the national convention.

SEC. 2. All officers of the national organization or those elected to public office shall be subject to recall upon initiative petition of 25 or more branches, representing 5 per cent of the membership. A recall vote of the membership may also be initiated by the central executive committee.

SEC. 3. Each motion and resolution shall be printed in the official bulletin and remain open for 90 days from the date of first publication, and if it has then not received the requisite number of seconds it shall be abandoned. The vote on each referendum shall close 60 days after its submission.

SEC. 4. Referendums shall be submitted without preamble or comment, but the party press shall be open for discussion of the question involved during the time the referendum is pending.

XII. INTERNATIONAL DELEGATE AND SECRETARY.

SECTION 1. Delegates to the international congress and alternates and an international secretary and alternate shall be elected by the convention.

SCHEDULE.

Any branch of the Socialist Party or Socialist Labor Party which indorses the program and constitution of the Communist Party and applies for a charter before January 1, 1920, shall be accepted as a branch.

The provisions of article III, section 4, shall not be enforced until after December 1, 1919, except as to the two signatures.

RECOMMENDATION.

That this convention authorize the secretary immediately to issue a special organization stamp, to sell at 50 cents, to create a fund for the organization of the party.

REPORT OF LOUIS C. FRAINA, INTERNATIONAL SECRETARY OF THE COMMUNIST PARTY OF AMERICA, TO THE EXECUTIVE COMMITTEE OF THE COMMUNIST INTERNATIONAL.

As international secretary, I make application for admission of the Communist Party of America to the bureau of the communist international as a major party.

The Communist Party, organized September 1, 1919, with approximately 55,000 members, issues directly out of a split in the old Socialist Party. The new party represents more than half the membership of the old party.

1. SOCIALIST PARTY, SOCIALIST LABOR PARTY, I. W. W.

The Socialist Party was organized in 1901, of a merger of two elements: (1) Seceders from the Socialist Labor Party, like Morris Hillquit, who split away in 1899 largely because of the S. L. P.'s uncompromising endeavors to revolutionize the trades unions; (2) the Social Democratic Party of Wisconsin, a purely middle-class liberal party tinged with socialism, of which Victor L. Berger was representative.

The Socialist Labor Party, organized definitely in 1890, acted on the basis of the uncompromising proletarian class struggle. Appearing at a period when class relations were still in state of flux, when the ideology of independence, created by the free lands of the West, still persisted among the workers, the Socialist Labor Party emphasized the class struggle and the class character of the proletarian movement. Realizing the peculiar problems of the American movement, the Socialist Labor Party initiated a consistent campaign for revolutionary unionism and against the dominant craft unionism of the American Federation of Labor, which, representing the skilled workers—"aristocracy of labor"—sabotaged every radical impulse of the working class. The S. L. P. was a party of revolutionary socialism, against which opportunist elements revolted.

The Spanish-American War was an immature expression of American imperialism, initiated by the requirements of monopolistic capitalism. A movement of protest developed in the middle class which, uniting with the previous impulses of petty bourgeois and agrarian radicalism, expressed itself in a campaign of anti-imperialism. There was a general revival of the ideology of liberal democracy. The Socialist Party expressed one phase of this liberal development; it adopted fundamentally a nonclass policy, directing its appeal to the middle class, to the farmers, to every temporary sentiment of discontent, for a program of Government ownership of the trusts. The Socialist Party particularly discouraged all action for revolutionary unionism, becoming a bulwark of the Gompertz American Federation of Labor and its reactionary officials, "the labor lieutenants of the capitalist class." The typical party of opportunist socialism considered strikes and unions as of minor and transitory

importance, instead of developing their revolutionary implications; parliamentarism was considered the important thing, legislative reforms and the use of the bourgeois state the means equally for waging the class struggle and for establishing the Socialist Republic. The Socialist Party was essentially a party of State capitalism, an expression of the dominant moderate socialism of the old international.

But industrial concentration proceeded feverishly, developing monopoly and the typical conditions of imperialism. Congress—parliamentarism—assumed an aspect of futility as imperialism developed and the Federal Government became a centralized autocracy. The industrial proletariat, expropriated of skill by the machine process and concentrated in the basic industry, initiated new means of struggle. The general conditions of imperialistic capitalism developed new tactical concepts—mass action in Europe and industrial unionism in the United States, the necessity for extraparliamentary means to conquer the power of the State.

The old craft unionism was more and more incapable of struggling successfully against concentrated capitalism. Out of this general situation arose the Industrial Workers of the World, organized in 1905—an event of the greatest revolutionary importance. The I. W. W. indicted craft unionism as reactionary and not in accord with the concentration of industry, which wipes out differences of skill and craft. The I. W. W. urged industrial unionism; that is to say, a unionism organized according to industrial division; all workers in one industry, regardless of particular crafts, to unite in one union; and all industrial unions to unite in the general organization, thereby paralleling the industrial structure of modern capitalism. Industrial unionism was urged not simply for the immediate struggle of the workers, but as the revolutionary means for the workers to assume control of industry.

Previous movements of revolutionary unionism, such as the Socialist Trades and Labor Alliance and the American Labor Union, united in the I. W. W. The Socialist Labor Party was a vital factor in the organization of the I. W. W., Daniel De Leon formulating the theoretical concepts of industrial unionism. Industrial unionism and the conception of overthrowing the parliamentary state, substituting it with an industrial administration based upon the industrial unions, was related by De Leon to the general theory of Marxism.

The Socialist Party repeatedly rejected resolutions indorsing the I. W. W. and industrial unionism, although supporting I. W. W. strikes by money and publicity. The Socialist Party supported the A. F. of L. and craft unionism, rejecting the revolutionary implications of industrial unionism—the necessity of extraparliamentary action to conquer the power of the State.

After the panic of 1907, there was an awakening of the American proletariat. New and more proletarian elements joined the Socialist Party. Industrial unionism developed an enormous impetus, and violent tactical disputes arose in the party, particularly in the Northwest, where the new unionism was a vital factor. These disputes came to a climax at the Socialist Party convention of 1912. The tactical issue of industrial unionism was comprised in the problem of whether parliamentarism alone constituted political action, whether parliamentarism alone could accomplish the revolution or whether extraparliamentary means were indispensable for the conquest of political power. The Socialist Party convention, by a large majority, emasculated the Marxian conception of political action, limiting it to parliamentarism; an amendment to the party constitution defined political action as "participation in elections for public office and practical legislative and administrative work along the lines of the Socialist Party platform." That year the Socialist Party, by means of a petty bourgeois liberal campaign, polled more than 900,000 votes for its presidential candidate, but the thousands of militant proletarians seceded from the party in disgust at the rejection of revolutionary industrial unionism, while William D. Haywood, representative of the industrialists in the party, was recalled on referendum vote as a member of the national executive committee.

The organization of the Progressive Party in 1912 made "progressivism" a political issue. The Socialist Party adapted itself to this "progressivism." But this progressivism was the last flickering expression of radical democracy; Theodore Roosevelt harnessed progressivism to imperialism and State capitalism. A new social alignment arose, requiring new Socialist tactics.

2. THE WAR, THE SOCIALIST PARTY, AND THE BOLSHEVIK REVOLUTION.

After 1912 the party officially proceeded on its peaceful, petty, bourgeois way. Then—the war, and the collapse of the International. The official representatives of the Socialist Party either justified the betrayal of socialism in

Europe, or else were acquiescently silent while issuing liberal appeals to "humanity."

As the war continued and the betrayal of socialism became more apparent, and particularly as the American comrades learned of the revolutionary minority elements in the European movement, there was a revolutionary awakening in the Socialist Party, strengthened by new accessions of proletarian elements to the party. The first organized expression of this awakening was the formation of the Socialist Propaganda League, in Boston, in 1916, issuing a weekly organ which afterwards became The New International, with Louis C. Fraina as editor and S. J. Rutgers as associate. The league emphasized the necessity of new proletarian tactics in the epoch of imperialism. In April, 1917, was started The Class Struggle, a magazine devoted to international socialism. In the State of Michigan the antireformists captured the Socialist Party and carried on a nonreformist agitation, particularly in The Proletarian.

The enormous exports of war munitions, the development of large reserves of surplus capital, and the assumption of a position of world power financially by American capitalism forced the United States into the war. There was an immediate revolutionary upsurge in the Socialist Party. The St. Louis convention of the party, in April, 1917, adopted a militant declaration against the war, forced upon a reluctant bureaucracy by the revolutionary membership. But this bureaucracy sabotaged the declaration. It adopted a policy of petty bourgeois pacifism, uniting with the liberal People's Council, which subsequently accepted President Wilson's "14 points" as its own program. Moreover, there was a minority on the national executive committee in favor of the war; in August, 1918, the vote in the N. E. C. stood 4 to 4 on repudiation of the St. Louis declaration. The Socialist Party's only representative in Congress, Meyer London, openly supported the war, and flouted the party's declaration against the war; but he was neither disciplined nor expelled; in fact, secured a renomination. Morris Hillquit accepted the declaration against the war, but converted it into bourgeois pacifism, being a prominent member of the People's Council. In reply to a question whether, if a Member of Congress, he would have voted in favor of war, Hillquit answered (The New Republic, Dec. 1, 1917: "If I had believed that our participation would shorten the World War and force a better, more democratic and more durable peace, I should have favored the measure, regardless of the cost and sacrifices of America. My opposition to our entry into the war was based upon the conviction that it would prolong the disastrous conflict without compensating gains to humanity." This was a complete abandonment of the class struggle and the Socialist conception of war. The war was a test of the Socialist Party, and proved it officially a party of vicious centrism.

The Russian revolution was another test of the party. Officially, the Socialist Party was for the Menshevik policy and enthusiastic about Kerensky; while the New York Call, Socialist Party daily newspaper in New York City, editorially characterized Comrade Lenin and the Bolsheviks. In June, 1917, as "anarchists." The party officially was silent about the November revolution; it was silent about the Soviet Government's proposal for an armistice on all fronts, although the national executive committee of the party met in December and should have acted vigorously, mobilizing the party for the armistice. But the revolutionary membership responded, its enthusiasm for the Bolshevik revolution being magnificent. This enthusiasm forced the party representatives to speak in favor of the Bolsheviks, but always in general terms capable of "interpretation." After the Brest-Litovsk peace there was a sentiment among the party representatives for war against Germany "to save the Russian Revolution."

The Socialist Party carried on an active campaign against intervention in Russia. However, this campaign did not emphasize the revolutionary implications of the situation in Russia, as making mandatory the reconstruction of the Socialist movement. A campaign against intervention must proceed as a phase of the general campaign to develop revolutionary proletarian action.

3 THE LEFT WING DEVELOPS.

During 1918 the Socialist Party was in ferment. The membership was more and more coming to think in revolutionary terms. Then came the armistice and the German revolution. The response was immediate. On November 7, 1918, a Communist propaganda league was organized in Chicago. On Novem-

ber 9 local Boston, Socialist Party, started to issue an agitational paper, The Revolutionary Age. This paper immediately issued a call to the party for the adoption of revolutionary communist tactics, emphasizing that the emergence of the proletariat into the epoch of the world revolution made absolutely imperative the reconstruction of socialism. In New York City in February, 1919, there was organized the left wing section of the Socialist Party. Its left wing manifesto and program was adopted by local after local of the Socialist Party, the left wing acquiring a definite expression. The left wing secured the immediate adhesion of the Lettish, Russian, Lithuanian, Polish, Ukrainian, South Slavic, Hungarian, and Esthonian federations of the party, representing about 25,000 members. The official organs of the federations did splendid work for the left wing.

In January, 1919, the national executive committee of the Socialist Party decided to send delegates to the Bern congress of the great betrayal. This action was characteristic of the social patriot and centrist bent of the party administration. There was an immediate protest from the membership, the left wing using the Bern congress as again emphasizing the necessity for the revolutionary reconstruction of socialism. In March we received a copy of the call issued by the Communist Party of Russia for an international congress to organize a new international. The Revolutionary Age was the first to print the call, yielding it immediate adhesion; while the left wing section of New York City transmitted credentials to S. J. Rutgers to represent it at the congress. Local Boston initiated a motion for a referendum to affiliate the party with the third international; this was thrown out by the national administration of the party on a technicality; but after much delay another local succeeded in securing a referendum. (The vote was overwhelmingly in favor of the third international.)

The left wing was now, although still without a definite organization, a formidable power in the Socialist Party. Previously all revolts in the party were isolated or consisted purely of theoretical criticism; now there was this theoretical criticism united with a developing organization expression. There was not as yet any general conception of the organization of a new party; it was a struggle for power within the Socialist Party.

About this time the call for the new Socialist Party elections was issued. The left wing decided upon its own candidates. The elections constituted an overwhelming victory for the left wing. The national administration of the Socialist Party, realizing the impending disaster, decided upon desperate measures. Branch after branch and local after local of the party, which had adopted the left wing manifesto and program, was expelled. Morris Hillquit issued a declaration that the breach in the party had become irreconcilable, and that the only solution was to split, each faction organizing its own party. At first the expulsions were on a small scale; then, the danger becoming more acute, the national administration of the party acted. The national executive committee met in May determined to "purge" the party of the left wing. The N. E. C. was brutal and direct in its means; it refused to recognize the results of the elections, declaring them illegal because of "frauds." It issued a call for an emergency national convention on August 30, which was to decide the validity of the elections, meanwhile appointing an "investigating committee." But in order to insure that the convention would "act right," the N. E. C. suspended from the party the Russian Ukrainian, Polish, Hungarian, South Slavic, Lettish, and Lithuanian federations, and the Socialistic Party of Michigan State. In all, the N. E. C. suspended 40,000 members from the party—a deliberate, brazen move to control the election of delegates to the convention.

The charge of "fraud" was an easily detected camouflage. The elections were so overwhelmingly in favor of the left wing candidates as to prove the charge of fraud itself a fraud. For international delegates the vote was (excluding three States, where the returns were suppressed, but which would not alter the results), left wing candidates: John Reed, 17,235; Louis C. Fraina, 14,124; C. E. Ruthenberg, 10,773; A. Wagenknecht, 10,650; I. E. Ferguson, 6,490. Right wing candidates: Victor L. Berger, 4,871; Seymour Stedman, 4,729; Adolph Germer, 4,622; Oscar Ameringer, 3,184; J. L. Engdahl, 3,510; John M. Work, 2,664; A. I. Shiplacoff, 2,346; James Oneal, 1,895; Algernon Lee, 1,858. Louis B. Boudin, who was prowar and against the Bolshevik Revolution, secured 1,537 votes. The Left Wing elected 12 out of 15 members of the national executive committee. The moderates who had been dominant in the Socialist Party were overwhelmingly repudiated. Kate Richards O'Hare (supported by the Left Wing, although not its candidate) defeated Hillquit for International Secretary, 13,262 to 4,775.

The N. E. C., after these desperate acts and after refusing to make public the vote on the referendum to affiliate with the Communist International, decided to retain office until the convention of August 30, although constitutionally it should have retired on June 30.

The issue was now definite. No compromise was conceivable. Events were directly making for a split and the organization of a new party. The old guard was concerned with retaining control of the Socialist Party organization, even if minus the bulk of the membership; the Left Wing was concerned with the principles and tactics.

5. THE NATIONAL LEFT WING CONFERENCE AND AFTER.

Just prior to the session of the national executive committee, Local Boston, Local Cleveland and the Left Wing Section of the Socialist Party of New York City, issued a call for a National Left Wing conference, which met in New York City on June 21. The conference was composed of 94 delegates representing 20 States, and coming overwhelmingly from the large industrial centers, the heart of the militant proletarian movement.

There was a difference of opinion in the conference as to whether a Communist Party should be organized immediately, or whether the struggle should be carried on within the Socialist Party until the emergency convention August 30. The proposal to organize a new party immediately was defeated, 55 to 38. Thereupon 31 delegates, consisting mostly of the federation comrades and the delegates of the Socialist Party of Michigan, determined to withdraw from the conference. The majority in the conference decided to participate in the Socialist Party emergency convention, all expelled and suspended locals to send contesting delegates; but issued a call for a convention September 1 "of all revolutionary elements" to organize a Communist Party together with delegates seceding from the Socialist Party convention.

One important thing was accomplished by the Left Wing conference—it made definite the issue of a new party which until that moment was very indefinite. The minority in the conference emphasized the inexorable necessity for the organization of a new party. This was in the minds of practically all, but it now became a definite conviction. There were centrists in the conference who still felt that the old party could be captured, who recoiled from a split, and these voted with the majority to go to the Socialist Party convention; but the majority in the majority was convinced of the necessity for a new party, differing with the minority of 31 simply on the right procedure to pursue.

After the conference the minority of 31 issued a call for a convention on September 1 to organize a communist party, repudiating all participation in the Socialist Party convention.

In the course of its development the Left Wing, while communist in its impulse, had attracted elements not all communist. There were conscious centrists, comrades who had for years been waging a struggle for administration control of the party and comrades who were disgusted with the gangster tactics pursued by the old guard in control of the party administration. The situation now began to clarify itself—Right Wing, Center, Left Wing.

The important factor in this situation was the division in the organized Left Wing—the national council, elected by the Left Wing conference, and the minority which had organized a national organization committee and issued its own call for a Communist Party convention. This constituted more than a split in the Left Wing. It was a split of the conscious communist elements in the Left Wing. This division, if persisted in, meant disaster. Unity was necessary—not simply organization unity, which at particular moments must be dispensed with, but revolutionary unity. This unity was accomplished by agreement for the merger of the two factions on the basis of a joint call for a Communist Party convention on September 1.

The overwhelming majority of the organizations and delegates represented at the Left Wing conference accepted the joint call.

The Left Wing had found itself, unified itself, determined upon the organization of a real Communist Party.

5. THE CONVENTIONS AND REVOLUTIONARY RECONSTRUCTION.

The Socialist Party convention met on August 30. The repudiated national executive committee manipulated the roster of delegates to insure Right Wing control, dozens of delegates suspected of sympathy for the Left Wing being con-

tested and refused admission to the convention. The police was used against these delegates—an indication of the potential Noske-Schedemann character of the old guard of the Socialist Party. The Left Wing was stigmatized as anarchistic, as consisting of foreigners, as an expression of emotional hysteria. The Socialist Party convention was ruthlessly dominated by the Right Wing, which used the camouflage of greetings to Soviet Russia and words about the "revolution." It did not adopt a new program in accord with the new tactical requirements of socialism, avoiding all fundamental problems. The Socialist Party convention adopted a resolution calling for an "international congress" to organize the "Third International," to include the Communist Party of Russia and of Germany, but ignoring the existing Communist International! A minority resolution to affiliate with the Communist International was decisively defeated. The two resolutions are submitted to referendum vote. (There is a group still in the Socialist Party styling itself "Left Wing" which is unscrupulously trying to garner sentiment for the Communist International to revitalize the old party.) The Socialist Party now represents about 25,000 members.

The delegates refused admission to the Socialist Party convention proceeded to organize their own convention, the first act of which was to proclaim itself the "legal convention" of the Socialist Party—a beautiful centrist twist! These delegates organized themselves as the Communist Labor Party. This was on Sunday, August 31.

On Monday the Communist Party convention met, with 140 delegates, representing approximately 58,000 members.

A committee of five from the "left wing" convention met with a committee of the Communist Party to discuss unity. The Communist Labor Party offered unity "on a basis of equality"—that is, to combine the two conventions as units, delegate for delegate. This the Communist Party rejected. The delegates in the Communist Labor Party convention were a peculiar mixture, some of them openly repudiating the left wing principles and tactics, others notorious centrists. The Communist Party committee proposed that all delegates at the Communist Labor convention having instructions to participate in the Communist Party convention (about 20) should come in as regular delegates, while delegates whose organizations had adopted the left wing manifesto and program but who were not instructed to organize a Communist Party (about 20) would be admitted as fraternal delegates. The other delegates, representing an unknown constituency or no membership at all, who were simply disgruntled at the old guard for its gangster tactics, could not be allowed to participate in the organization of a Communist Party.

The Communist Labor Party convention refused this offer and proceeded to organize a permanent party. The delegates organizing the Communist Labor Party represented not more than 10,000 members, many of whom are now joining the Communist Party.

This third party adventure was the result of a number of factors—personal politics, centrism, and the fact that communist elements from the Western States had not been in close touch with the more rapid developments in the East.

Having consciously organized a third party, the Communist Labor Party is now making "unity" its major campaign. The former left wing organizations are almost entirely accepting the Communist Party, achieving unity through membership action. One word more: The Communist Labor Party speaks much of "an American communist movement" and fights our party on the issue of "federation control." This is malicious. There has been one disagreement with the federation comrades. Concerning this, it might be said that the federation comrades may have been too precipitate and the American comrades too hesitant. But the federation comrades have worked earnestly for an uncompromising Communist Party. In any event, if the federations offer any problem, it is a problem of internal party struggle and action. The sincerity of the federation comrades, all other considerations aside, is attested by their yielding administrative power to the nonfederation comrades.

The Communist Party manifesto is a consistent formulation of communist fundamentals; its program a realistic application of these fundamentals to the immediate problems of the proletarian struggle; its constitution based upon rigorous party centralization and discipline, without which a Communist Party builds upon sand.

The Communist Party appears at a moment of profound proletarian unrest. There has been strike after strike, developing larger and more aggressive char-

acter. There is now a strike of more than 300,000 workers in the steel industry, a really terrific portent to American capitalism.

There is a revolutionary upsurge in the old unions; the longshoremen of Seattle have just refused to allow munitions for Kolchak & Co. to be transported. There is a strong sentiment in favor of the Russian Soviet Republic. In the unions the workers are becoming conscious of the reactionary character of their officials, and movements of protest and a sentiment for industrial unionism are developing.

But the American Federation of Labor, as a whole, is hopelessly reactionary. At its recent convention of the A. F. of L. approved the Versailles peace treaty and the League of Nations, and refused to declare its solidarity with Soviet Russia. It did not even protest the blockade of Russia and Hungary. This convention, moreover, did all in its power to break radical unions. The A. F. of L. is united with the government, securing a privileged status in the governing system of State capitalism. A labor party is being organized—much more conservative than the British Labor Party.

The Industrial Workers of the World is waging an aggressive campaign of organization. It has decided to affiliate with the Communist International; but its press and spokesmen show no understanding of communist tactics. The I. W. W. still clings to its old concepts of organizing all the workers industrially, gradually "growing into" the new society, as the only means of achieving the revolution—a conception as utopian as that of the moderate socialist, who proposes to "grow into" socialism by transforming the bourgeois state. The Communist Party indorses the I. W. W. as a revolutionary mass movement, while criticizing its theoretical shortcomings.

Imperialism is now consciously dominant in the United States. In his recent tour for the League of Nations President Wilson threw off the mask and spoke in plain imperialistic terms, emphasizing the absolute necessity of crushing Soviet Russia. Congress drifts, and is impotent. The Government, Federal and local, is adopting the most repressive measures against the proletariat. Armed force, martial law, and military invasion are used against strikes. State after State has adopted "criminal syndicalism" measures, making almost any advocacy of militant proletarian tactics a crime. On the least pretext agitators are arrested. Deportations occur almost daily; one of our international delegates, A. Stokilitsky, is now under trial for deportation.

American imperialism is usurping world power, constituting the very heart of international reaction. Reaction in Europe and the campaign against Soviet Russia are supported morally and financially by "our" government. An enormous agitation is being waged for military intervention in Mexico. The American capitalist class is brutal, unscrupulous, powerful; it controls enormous reserves of financial, industrial and military power; it is determined to use this power to conquer world supremacy and to crush the revolutionary proletariat.

The Communist Party realizes the immensity of its task; it realizes that the final struggle of the Communist proletariat will be waged in the United States, our conquest of power alone assuring the world Soviet Republic. Realizing all this, the Communist Party prepares for the struggle.

Long live the Communist International! Long live the world revolution!

APPLICATION FOR MEMBERSHIP COMMUNIST PARTY OF AMERICA.

The undersigned, after having read the constitution and program of the Communist Party, declares his adherence to the principles and tactics of the party and the Communist International; agrees to submit to the discipline of the party as stated in its constitution and pledges himself to engage actively in its work.

Name _____ Occupation _____
 Address _____ City _____
 Where employed _____
 Indorsed by _____

Application must be indorsed by two members in good standing.

[Reverse side.]

RECORD.

Name of branch.....

Name of local.....

Article 3, section 5 of Communist Party constitution provides:

Application for membership shall not be finally acted upon until two months after presentation to the branch, and in the meantime applicant shall pay initiation fee and dues and shall attend meetings and classes. He shall have a voice and no vote. Provided that this rule shall not apply to the charter members of new branches nor to the members who make application to newly organized branches during the first month.

Application presented to branch.....

Application approved by branch.....

Address..... Sec.

Approved by city central committee.

Signed..... Sec.

Address.....

COMMUNIST PARTY OF AMERICA, AFFILIATED WITH THE COMMUNIST INTERNATIONAL.

State.....

Local.....

Branch.....

MEMBERSHIP CARD.

Name.....

Address.....

Admitted....., 19.....

No....., Page.....

Address.....

Secretary.

Issued by authority of the Central Executive Committee Communist Party.

YEAR 19.....				YEAR 19.....			
Jan.	Feb.	Mar.	April	Jan.	Feb.	Mar.	April
May	June	July	Aug.	May	June	July	Aug.
Sept.	Oct.	Nov.	Dec.	Sept.	Oct.	Nov.	Dec.
YEAR 19.....				SPECIAL STAMPS.			
Jan.	Feb.	Mar.	April				
May	June	July	Aug.				
Sept.	Oct.	Nov.	Dec.				

TRANSFER RECORD.

Date admitted _____
 Date withdrawn _____
 Local _____
 Branch _____
 Secretary _____
 Date admitted _____
 Date withdrawn _____
 Local _____
 Branch _____
 Secretary _____
 Date admitted _____
 Date withdrawn _____
 Local _____
 Branch _____
 Secretary _____
 Date admitted _____
 Date withdrawn _____
 Local _____
 Branch _____
 Secretary _____

THE CAPITALISTS CHALLENGE YOU, WORKINGMEN.

Proclamation of the Communist Party of America :

Martial law has been declared in Gary, Ind.

Soldiers of the Regular Army, soldiers who have seen service overseas, who have waded through the blood of their fellows on the battlefields of Europe, as the capitalist press is gloatingly declaring, are now in contral.

The army of occupation entered Gary fully equipped. Automatic rifles, hand grenades, machine guns, and heavier cannon, cannon that can clear 2 miles of a city street in a few minutes, as the officer in charge said—these are ready for use in Gary. And the soldiers wear trench helmets made by the workers of Gary!

Why are these soldiers there, workingmen of the United States? What has happened in the city of steel that requires this murderous equipment for the destruction of human lives?

The workingmen of Gary are engaged in a struggle against the capitalists. They have suffered long. Low wages, long hours of exhausting work in the heat of the steel ovens, life-sapping toil with no time for home life, this has been their lot.

At last they revolted. Risking suffering and hunger, risking the assault of the brutal bullets of the Steel Trust, who do not stop even at murder, they resorted to the strike to make their masters lighten the conditions of their toil. They organized their power and united dared challenge to a test of strength the industrial octopus which dominates the steel industry.

Gary is the city of steel. It was built by the order of the Steel Trust. The influence and control of the Steel Trust extends to every nook and corner of the life of the city. Its spies are everywhere. The local government is its tool and expresses its will. This Steel Trust municipal government forbade the workingmen to show their solidarity by parades and public meetings. It hoped by keeping the workers apart to break their spirit, to give encouragement to the few scabs who were working.

For two weeks the workers submitted. They permitted the Steel Trust government to trample underfoot the democratic rights which they had been so often assured were the heritage of the people of this country. They let the industrial masters demonstrate clearly that not "democracy" but iron-fisted autocracy was, for the workers, the aftermath of the war.

Then these workers broke into spontaneous protest. The mayor, the steel trust tool, had forbidden them to meet in public. He had forbidden them to parade through the streets. But they would meet and would parade.

They formed in line with 500 uniformed men, strikers all, at the head of the line, and marched through the heart of the city.

This mass action of the workers won. Their mass power conquered. The orders of the mayor became mere rags of paper. Ten thousand workers marched through the heart of the city and in place of upholding the orders of the mayor, the militia and police cleared the way for the strikers—became their servants because they were showing their power.

But capitalism was not done. The Steel Trust does not only have at its beck and call of the power of the local government, but the National Government, the State, is equally its servant. The workers had won the first skirmish through their mass power. They must be taught a lesson. They must be cowed and thrown back into their former position of abject slaves.

The orders went forth. Soon the long line of truck-loads of regular soldiers were on their way to Gary. The men whom the workers had been told a short year ago were fighting their battle for democracy upon the blood-stained fields of Europe, and whom they had been urged to support by giving the last of their strength to the work of production, these men were coming to teach them "democracy." And with them came their instruments of murder, their automatic rifles, their machine guns, the cannon that could clear a street two miles long in a few minutes, and the helmets that the workers of Gary had produced. Gary was to be shown how the Czar and Kaiser treated rebellious workmen.

The National Government, the capitalist State, had stepped in. The Steel Trust was in danger of being beaten. It might have to submit before the power of the workers. To save itself it brought into the field the instrument forged by the capitalists to uphold their system of exploitation and oppression, the State, which in spite of all of its democratic pretensions, is but the physical expression of the dictatorship of the capitalist class.

Working men of the United States, the capitalists are challenging you!

They are demonstrating before your very eyes, that the governmental power is theirs, for use against you when you dare strike against the enslavement which they force upon you.

The homes of the workmen of Gary are being raided, their meetings forbidden, their literature confiscated by the military régime which controls Gary. Martial law is supreme. The instruments to destroy the lives of the workers are ready.

Are you, workmen of this country, going to submit meekly to the use of military invasion and force to break your strikes? Shall the iron heel rule unchallenged?

This is the hour to rouse the workers.

Gather in great mass meetings. Bring to the attention of the unenlightened workers the meaning of martial law at Gary. Show them that it is not enough to strike against low wages and bad working conditions but that the strike must be directed against capitalism.

The workers must capture the power of the State. They must wrest from the capitalists the means through which the capitalists' rule is maintained.

The answer to the dictatorship of the capitalists is the dictatorship of the workers.

YOUR SHOP.

It should be your shop (or your factory, your store, your mill, your mine, or your railroad), yours to work in, yours to produce in, yours to manage with the help of your fellow workers.

You spend most of your waking hours in the shop. The conditions under which you work and produce determine your life, your happiness.

If you and your fellow workers controlled the shop, determined the hours of labor, the working conditions, and apportioned the rewards for the services rendered, you would be able to create the conditions that would bring happiness to you. You would so arrange your work that you would not have your life sapped by long hours and bad working conditions, and so that the wealth you produced would be yours, yours to secure the enjoyment of good food, good clothing, a good home and the opportunity for education and healthy recreation.

There is enough wealth produced to give these things to all who work. But the capitalists own the shops that should be yours. The capitalists make

you work long hours under bad working conditions; they take from you as their profit the lion's share of what you produce.

They will do that as long as they own and control the shop. There is no hope as long as the shop is not yours.

Workmen everywhere are learning this. The workmen of Russia have shown the way. In Russia the shops, as well as all other means of production and distribution, belong to the workers.

The Russian workers organized their power. They created shop committees in every plant and united these in workers' councils. Thus they built up the means for united action. When the crisis came they were prepared to use their mass power. Before their mass power the government of the capitalists and land owners broke up and disappeared. The workers' councils became the organs of the working-class government. The workers controlled the state power, the police, the army.

Having taken from the capitalists the governmental power through which the capitalists maintain their control of the shop and the exploitation and oppression of the workers, the workers took control of the shops. The shop committees they elected took over the management. They told the capitalists that their days as autocrats, czars, and kaisers of industry were over. They told them there would be no more robbery of the workers through paying them for only a part of what they produced. They told them that the shops now belonged to all the workers and that they, the capitalists, would have to go work for a living.

And in Russia the workers are building the society that means happiness, for all, in spite of all the efforts of the capitalists of the world to overthrow their government and strike down their new economic system.

The workers everywhere are growing more and more dissatisfied with the capitalists' control of the shop in which they work and spend most of their lives. That is the meaning of the great strikes in England and of the great industrial struggles in this country.

But the workers must organize to secure control of the shops. The first step is to organize a shop committee in the shop in which you work.

Bring together all the enlightened workers who are ready to participate in the struggle to win control of the shop. Organize them in a Communist Party shop branch. This committee will carry on the work of agitation and education among the other workers. It will collect funds and secure papers and pamphlets for distribution in the shop.

The work of the committee will be to unite all the workers in the shop in a shop organization; machinists, carpenters, shipping clerks, workers of every trade, all must unite in the one workers' organization in their shop.

Workers, you must build up the organs of working-class power if you are to win your freedom. The shop organization is the basis for the organization of the mass power of the workers.

Prepare to take control of your shop, of your work, of your lives and happiness.

Organize and make it your shop.

[This is propaganda leaflet No. 3, issued by the communist party of America, 1219 Blue Island Avenue, Chicago, Ill.]

THE STATE—STRIKE BREAKER.

Proclamation by the Communist Party of America:

Workers, you have been told that the Government of the United States is a government "of the people, by the people, and for the people."

The communists have told you that it is a government "of the capitalists, by the capitalists, and for the capitalists."

The proof is before you.

The representatives of more than a half million coal miners met in convention in September. They discussed the wages and working conditions in the coal-mining industry. They found that the capitalists who owned the coal mines were making greater profits than ever, but that the increased cost of living had so reduced the buying power of the wages of the workers that they were barely getting enough for an existence.

The work of the miners is of a dangerous character. How often have you not read of the mine disasters which snuff out the lives of hundreds of miners, disasters which are due to the fact that the capitalists, in their greed for

profits, refused to spend the money necessary to safeguard the lives of the workers? The work of the miners is health-destroying. They work down in the dark places under the earth, among dangerous gases, where there is no life-giving air and sunshine.

The miners said that there were enough miners to produce enough coal to supply all the needs of the country, if they were employed regularly, working 30 hours per week, in place of being kept idle part of the time. They said a 30-hour week in the dangerous, health-destroying places under the earth was enough. They demanded a 30-hour week.

The miners are strongly organized. All the workers in and about the mines are in the miners' union. The workers are not divided into crafts, but united in one industrial organization. They have power to enforce their demands upon the capitalists.

They made their demands upon the coal-mine owners. These capitalists, standing alone, had no power to resist the demands of the workers. The workers could close the mines and prevent capitalists from making profits. If they were sufficiently conscious of the way to free themselves from exploitation, they could even take over the mines and operate them, without paying profits to the capitalists.

But the capitalists have a weapon which they have forged to keep the workers in submission.

The capitalists called in the Government—the state.

All the power of the Government was mobilized to prevent the miners from securing wages that will enable them to live and the working hours which should prevail in the mining industry.

The President of the United States denounced the strike as "illegal." He threatened the miners with the power of the Government of the United States if they insisted upon compelling the capitalists to grant their demands by going on strike. The Government has already secured an injunction to prevent the miners from using their own funds and the power of their organization to support the strike.

The Government of the United States, through its injunction, is seeking to starve the wives and children of the miners by preventing their organization from paying strike benefits. All the legal machinery of the Government is being used against the miners, and the Army, the soldiers, with their death-dealing instruments, are ready to prevent the miners from securing a living wage and the hours that should prevail in the mining industry.

The State has stepped in.

This it did in the steel strike. This it threatens to do if there is a railroad strike.

The State does not coerce the capitalists; it does not tell the capitalists they must yield to the demands of the miners in order to prevent the stoppage of the mining of coal. The State never coerces the capitalists; its legal machinery is never directed against the capitalist (except occasionally against minor groups or individuals in the interest of the whole capitalist class). Its army is never used to destroy the lives of the capitalists. The State coerces the workers. Its legal machinery is used to enforce the demands upon the workers. Its army is used to destroy the lives of the workers who dare demand a living wage and a little more sunshine and fresh air.

Workers rally to the support of the miners.

The capitalists are playing to establish an industrial slavery in which their rule will be even greater than in the past. To make strikes "illegal" and crush them with the power of the State is the first move.

The Government of the United States, which some workers have been fooled into believing is a Government "of the people, by the people, and for the people" in reality the Government "of the capitalists, by the capitalists, and for the capitalists." It is the instrument through which industrial slavery is maintained.

The workers can not win their freedom, they can not win even a living wage and a little more sunshine and fresh air, while the capitalists control the power of the State.

The workers must conquer that power. They must make themselves the ruling class. They must establish in the place of the dictatorship of the capitalists the dictatorship of the proletariat.

Workers, rally to the support of the miners. Make their strike general. Unite for the struggle against industrial slavery. Take from the capitalists the power through which they seek to increase your slavery.

TO THE WORKERS OF THE WORLD.

DECLARATION OF THE COMMUNIST INTERNATIONAL AGAINST THE VERSAILLES PEACE.

The Governments which began the war of plunder five years ago are making an effort to end it now with a predatory peace. The English, French, and American capitalists represented in Versailles have given to representatives of the German capitalists the so-called peace terms. Versailles becomes a new Brest-Litovsk. Each one of the points of the Versailles peace is a noose to choke one or another nation.

The anger and vengeance of the imperialist bourgeoisie of the victorious coalition know no bounds. The famous organization of the "League of Nations" is being put into practice by the American-Anglo-French bourgeoisie against the will of all nations of Europe. The bourgeoisie of the Allied Powers is making an effort to cripple Germany. They are cutting off from Germany a whole series of territories; they are taking away the coal from Germany, and the bread; they wish to take away the merchant marine, also force Germany to pay indemnities of enormous quantity. The bourgeoisie of the Allied Powers which in words fought against annexations of alien territory is now committing a series of terrible and cynical annexations. They are trading with the colonies which belonged to Germany as with cattle. The imperialists of the Allied Powers have armed themselves with knives and are slicing the flesh of Germany.

But the predatory terms of peace which are dictated to Germany from Versailles are only one of the links in the chain of force used by the Allied Powers to imprison the world. At the same moment when these imperialists are trying to cripple and choke Germany, they are carrying on a murderous attack on the Soviet Republic of Hungary. (This attack temporarily, has succeeded).

It is they, the French and English bourgeoisie, who are the main instigators of the Roumanian soldiers at present carrying their White Guard attack against our brethren—the Hungarian workers.

It is they, the representatives of the enlightened French and English "democracy," who are the instigators of those pogroms let loose upon Red Budapest. It is they who are inspiring the Russian Black Hundreds of Kichak, Denikine, and Krasnov in their bloody war against the Russian workers and peasants.

It is they, the Anglo-French bourgeois, who have inspired the German White Guard, led by Noske, Ebert, and Scheidemann, to crush the Bavarian Soviet Republic. The imperialists of the Allied Powers put a direct preliminary condition to the Government of Scheidemann to crush the Soviet Power in Munich.

It is they, the Anglo-French bankers and generals, who are disarming the revolutionary soldiers in Bulgaria. It is they who are choking the mass movement of the peoples and the revolutionary spirit in Serbia and Slovakia.

International gendarmes—such are the Anglo-French and American imperialists, who claim to be the representatives of world "democracy."

All illusions are broken. The masks are thrown off. Those whom the long and terrible imperialistic war has not taught a lesson, these will have to be taught by that imperialistic peace with which the "humanitarians" of Versailles are trying to "enrich" the world. The governments which during the four and one-half years lied to their people about carrying on the war for "self-determination of nations," for "independence" of small peoples, for "freedom and culture," for "democracy"—these governments are now unmasked as arch-criminals, as the worst kind of slave drivers, showing mercy to none.

The fairy tale of the League of Nations is dying without having had a chance to flourish. After the Versailles peace terms it will be very difficult to catch many workers with the bait of the League of Nations. The League of Nations at whose cradle stands Clemenceau, the butcher, is unmasked before the whole world as a league of murderers, who are nailing to the cross the millions of the laboring masses of Europe.

The Versailles peace, with all its weight, is first of all laid upon the working class of Germany. If the Versailles peace should work at all, it would mean that the working class of Germany would be forced to moan under a double pressure of both its own bourgeois and the slave drivers of the other nations.

Needless to talk of the fact that the sympathy of the Communist International, the sympathy of the conscious workers of the whole world, is with the German working class. The worker communists of all countries will take the Versailles peace terms as a blow to the international proletariat, as an effort which can be only put down by the combined strength of the proletariat of all countries.

The present German Government, which in words protests against the Versailles peace, in fact aids the imperialists of the allied powers to realize their hellish purposes in relation to the German working class. The executioner Clemenceau has no truer servants in Germany than Scheidemann and Ebert. The Scheidemann and Ebert party from the first moment of the German revolution humbly danced to the tune of the imperialists of the allied powers. Under the direction of Clemenceau, Scheidemann and Ebert sent White Guard armies against Soviet Russia. In order to satisfy the imperialists of the allied powers, the Social Democrats under the leadership of Ebert and Scheidemann killed Carl Liebknecht and Rosa Luxemburg and with fire and guns crushed the great movement of the German workers to realize soviet power. Fulfilling the directions of the London and Paris exchanges, the government of Scheidemann has killed already not less than 10,000 worker Communists of Germany. Each time when the wave of the workers' movement in Germany rose especially high, prepared to wash away the government of traitor Social Democrats, Scheidemann and Ebert threatened the starved workers that if soviet power should come to Germany the Allies would refuse to give bread to German people.

The central committee of the Scheidemann Social Democratic Party, in its appeal in connection with the Versailles peace, maintains that the Versailles "lesson" is the "best evidence of the correct position of the German social democracy on the question of defending the fatherland."

"Socialists of all lands, do you understand at last our way of acting at the time of war?" asks Scheidemann in his appeal.

Oh, hypocrites! Oh, cynics!

Two robbers in 1914 fell on the same prey. One of the robbers proved the more successful. This criminal not only grabbed the whole prey which his competitor wanted, but went into the pocket of his rival. Then the other thief, made benefactor through want and having on his face the expression of innocence, appeals to the world and exclaims, "You see the conduct of my rival has shown the entire righteousness of my tactics, is it possible that you do not yet understand that we, Scheidemanns, are whiter than the snow of the English mountains?"

The Versailles peace terms have proven to all conscious workers something altogether different. The enlightened workers of the whole world fully realize that if the German imperialists had been the victors they would have been as unmerciful to the defeated as their rivals are now to them. And then most likely the Hendersons and Renaudels would use the same lying phrases as now Scheidemann and Noske are using.

The Versailles peace terms show us that while imperialism exists in any country, until then force and robbery will also exist. The Versailles peace terms show that imperialism of any coalition is equally bloodthirsty. No matter how "democratic" the leaves which they use for covering. Imperialism, it remains the incarnation of barbarism and blood lust.

The Versailles peace terms have shown us that social patriots of all lands have permanently and forever become the servants of the bourgeois. The Versailles peace terms show how meaningless are the hopes of the sympathizers of the Berne yellow "International," of Kautsky and his friends, about the disarmament under capitalism, about the good and beneficent League of Nations under the wing of Wilson. The Versailles peace terms have shown that the bourgeois itself left for the workers of all lands only one road—the road of world revolution, the road across the corpse of capitalism.

Workers of France! Workers of England! Workers of America! Workers of Italy! The Communist International appeals to you. Upon you depends the destiny of tens of millions of workers of Austria and Germany. You must say your word now. You must pull out of the bloody hands of your government that murderous knife which they have put over the heads of the German and Austrian workers. You must show that for you the lessons of the five-year war have not been in vain. You must not forget for a moment that the victory of the allied imperialists over the German and Austrian workers means a

victory of the whole world, a victory over socialism. You, more than anybody else, have in your hands the destiny of international socialism. To you the enlightened workers of the world look. And we are sure that you will fulfill your duty, against the advice of your own Scheidemanns.

Workers of Germany! Workers of Austria! Now you see that you have no choice other than the immediate overthrow of the government of traitors calling themselves Social-Democrats, and in fact acting as the meanest agents of the bourgeoisie. You see now where politics of the Noske-Scheidemann type brought you. You see that your only hope lies in the international proletarian revolution.

But this revolution of the proletariat the Scheidemanns and Eberts are trying in every way to crush. When the Scheidemanns and Eberts call in your name to the international proletariat they will meet no answer other than hatred.

Those people do not protest by a word against the crushing of Soviet Hungary by the armies of the landowners; those people who near Libau are fighting on the side of the German barons; those people can not count on support from the international proletariat. In your name should speak not Count Brockdorf von Ranzau, not the traitor Landsberg, not the executioners Noske and Scheidemann. While the present German Government is in power the quarrel between Berlin and Paris will be only between the bourgeoisie of two coalitions. All the power in your country must soon go into the hands of the workers' soviets. In your name, workers, communists must begin to talk.

Then and only then will you be able to save your country, will you be able to count upon full support from the proletariat of all lands.

The time for indecision has passed. Now it is clear to each one of us that it can not be worse, that the government of social traitors has brought you to the edge of the precipice.

Workers of Germany and Austria, know that proletarians of other countries will never believe in the German Social-Democracy, that Social-Democracy which did not utter one word of protest at the moment when the Government of Wilhelm Hohenzollern forced upon Soviet Russia the Brest-Litovsk peace.

Workers of Germany and Austria, know that if the Brest-Litovsk peace forced upon Russia in 1918 collapsed so soon, it is because the Russian workers and peasants overthrew the government of bourgeoisie and social traitors and took the power into their own hands. Only due to this were they able comparatively quickly to break the Brest-Litovsk noose.

World proletarian revolution—this is the only savior for the oppressed workers of the world.

Dictatorship of the proletariat and the organizations of soviet power—this is the only escape for the proletariat of the whole world from the Versailles methods.

While capitalism exists there can be no real peace. Permanent peace will be possible only on the ruins of the bourgeois state.

Long live the uprising of the workers against oppression! Down with the Versailles peace, down with the new Brest-Litovsk! Down with the government of social traitors!

Long live soviet power throughout the entire world!

The Executive Committee of the Communist International.

G. ZINOVIEV, *Chairman.*

EXHIBIT L.

STATUS OF THE COMMUNIST LABOR PARTY UNDER THE ACT OF CONGRESS APPROVED OCTOBER 16, 1918.

[Submitted by special assistant to the Attorney General, Dec. 23, 1919.]

(a) *Federal statute applicable to the Communist Labor Party.*—The act of Congress approved October 16, 1918, amending the immigration laws of the United States provides among other things that: (1) Aliens who disbelieve in or advocate or teach the overthrow by force or violence of the Government of the United States shall be deported; (2) aliens who are members of or affiliated with any organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States shall be deported.

(b) The Communist Labor Party is an organization advocating and teaching the overthrow by force or violence of the Government of the United States, and members thereof believe in and advocate and teach the overthrow by force and violence of the Government of the United States.

(c) *Introduction.*—In the memorandum brief prepared upon the Communist Party a detailed statement is given concerning the growth of that organization, and the steps outlined in the growth of the Communist Party refer also to the Communist Labor Party—for both are the outgrowth of the left wing of the Socialist Party and the sole difference existing between the two has arisen principally from international dissensions and desires of certain individuals to direct the energies of the left-wing movement. The purposes and principles of the Communist Labor Party and the Communist Party are practically the same in each instance.

At the assembly which met in Chicago in the latter part of August, 1919, called by the Socialist Party of America for the purpose of settling, and if possible adjusting the differences existing within its organization, the left-wing element of the Socialist Party withdrew en masse. The left-wing members of the Socialist Party, headed by John Reed, of New York, who were refused seats as delegates to the national emergency convention of the Socialist Party met at the headquarters of the recruiting union of the I. W. W. on September 3, 1919, to hold a convention of their own, which was known as the Convention of the Communist Labor Party of America. The delegates attending this convention proceeded to draft and adopt a platform and program for the Communist Labor Party. During the course of the debate a discussion arose as to whether or not the words "political action" were to be used in connection with accomplishing the aims of the party. After a heated debate the words "political action" were struck out of the platform of the Communist Labor Party. An effort was made at the outset of the convention to unite with the Communist Party, but due to the attitude of some of the leaders of the Communist Labor Party the contemplated arrangement resulted in failure. Upon the conclusion of the convention the Communist Labor Party immediately embarked upon an extensively organized campaign for the purpose of strengthening its organization and obtaining additional members.

(d) *The Communist Labor Party of America.*—Reference is hereto made again to the memorandum brief prepared upon the Communist Party of America and the analysis contained therein of the manifesto and the Communist International, which is directly in point also in the consideration of the Communist Labor Party.

Attached hereto and marked as "Exhibit A" is a copy of the platform and program of the Communist Labor Party. It will be noted that the program of this organization declares itself in full harmony with the revolutionary working class of all countries and stands by the principles of the third international at Moscow. It states that it realizes with the third international at Moscow that the time for "parleying" is past and that the question is now whether all power is to remain in the hands of the capitalists or shall be taken by the workers. The Communist Labor Party, to use its own words, has as its aim "the abolition of the present system of production, in which the working class is mercilessly exploited, and the creation of an industrial republic wherein a machinery of production shall be socialized so as to guarantee to the workers the full social value of the product of their toil."

In order to accomplish its end, the Communist Labor Party unites with the revolutionary workers of the world for "conquest of political power to establish a government adapted to the communist transformation."

In another portion of its platform we find the following amazing statement:

"The Communist Labor Party proposes the organization of the workers as a class, the overthrow of capitalist rule and the conquest of political power by the workers. The workers organized as the ruling class shall, through their Government, make and enforce the laws; they shall own and control land, factories, mills, mines, transportation systems, and financial institutions. All power to the workers!"

In the program of the party appears the following specific statement:

"The Communist Labor Party of America declares itself in complete accord with the principles of communism as laid down in the manifesto of the third international formed at Moscow."

Thus, we see that in its platform and program the Communist Labor Party pledges itself to that style of "communism" in the United States which is laid down by the third international, which has been analyzed in detail in the brief

prepared on the Communist Party of America, and from which there is but one conclusion to draw, that the principles adopted at the third international aim at the overthrow of the Government of the United States.

Following the quotation above given appear in detail the essence, as the Communist Labor Party calls it, of the principles of the third international which it will endeavor to establish in the United States.

Significant among the principles thus enunciated is the following statement:

"The working class must organize and train itself for the capture of State power."

The following significant statement also appears:

"The most important means of capturing State power for the workers is the action of the masses, proceeding from the place where the workers are gathered together—in the shops and factories. The use of the political machinery of the capitalist State for this purpose is only secondary."

It will thus be noted that the Communist Labor Party advocates "mass action," a detailed analysis of which is given in the memorandum brief upon the Communist Party, where it was shown that by "direct action" is meant the use of "force and violence."

In the program of the party appears the following statement:

"We maintain that the class struggle is essentially a political struggle—that is, a struggle by the proletariat to conquer the capitalist State, whether its form be monarchical or democratic-republican, and to replace it by a governmental structure adapted to the communist transformation."

It will thus be seen from the analysis of the platform and program of the Communist Labor Party that it conforms entirely with that of the Communist Party of America in principles. Each party is an advocate of and teaches the principle of the overthrow of the State, establishing a dictatorship of the proletariat, and eventually bringing about a "communist commonwealth," the ultimate aim of which is that both parties pledge themselves to the principles and tactics of the third international. There is a constant reference to a pure economic feature, to wit, "the control of industry." The attainment of the control of industry is contemplated only as a means of preliminary basis. Through the control of industry it is proposed to meet the revolutionary mass action, conceived of as being the immediate force to overthrow the State.

(e) *Membership of the Communist Labor Party.*—Attached hereto and marked as "Exhibit B" is an application of membership which must be signed by each applicant for membership in the Communist Labor Party. Upon referring to this, it will be noted that the applicant pledges himself to be guided by the constitution and platform of the Communist Labor Party.

Attached hereto and marked as "Exhibit C" is a copy of the membership card of the Communist Labor Party.

Attached hereto and marked as "Exhibit D" is an affiliation certificate, which is issued by the headquarters of the Communist Labor Party to each local, and upon which it appears that each local obtaining such certificate has indorsed the platform, program, and constitution of the Communist Labor Party.

Attached hereto and marked as "Exhibit E" is an order blank of the Communist Labor Party, showing the extent to which the propaganda of this organization has grown.

It will thus be seen from the above that a person becoming a member of the Communist Labor Party becomes so knowing of the purposes of the organization and pledges himself for the carrying out of the same, almost exactly similar to the membership pledge of the Communist Party.

ACTIVITIES OF THE COMMUNIST LABOR PARTY.

The activities of the Communist Labor Party have been exactly similar to those of the Communist Party of America.

Attached hereto and marked "Exhibit F" is a copy of the Communist Labor Party News, which received quite a large circulation.

Attached hereto and marked as "Exhibit G" is a copy of a circular entitled "Hands off Soviet Russia," issued by the Communist Labor Party of America.

Attached hereto and marked as "Exhibit H" is a copy of the Communist Labor Party News, of the New York division of that organization, containing an announcement of a mass demonstration to be held in celebration of the second anniversary of the Russian Soviet Republic.

(f) *Conclusion.*—From the above examination which has been made of the Communist Labor Party it will thus be seen that this organization is modeled exactly along the same lines as the Communist Party of America, and that both organizations have arbitrarily expressed themselves and pledged themselves to overthrow the Government of the United States.

This memorandum brief is to be taken in conjunction with that prepared upon the Communist Party of America, for the reason of the close similarity of each organization, and particularly for the reason of the alignment of each organization with the third International of Moscow.

It is respectfully submitted, therefore, that the Communist Labor Party and persons members thereof fall within the provisions of the act of Congress approved October 16, 1918, in that the Communist Labor Party openly advocates the overthrow of the Government of the United States by force and violence.

Respectfully submitted.

J. E. HOOVER,
Special Assistant to the Attorney General.

EXHIBIT A.

PLATFORM AND PROGRAM, COMMUNIST LABOR PARTY.

PLATFORM.

1. The Communist Labor Party of the United States of America declares itself in full harmony with the revolutionary working class parties of all countries, and stands by the principles stated by the third International, formed at Moscow.

2. With them it thoroughly appreciates the complete development of capitalism into its present form of capitalist imperialism, with its dictatorship of the capitalist class and its absolute suppression of the working class.

3. With them it also fully realizes the crying need for an immediate change in the social system; it realizes that the time for parleying and compromise has passed, and that now it is only the question whether all power remains in the hands of the capitalist or is taken by the working class.

4. The Communist Labor Party proposes the organization of the workers as a class, the overthrow of capitalist rule, and the conquest of political power by the workers. The workers organized as the ruling class shall through their government make and enforce the laws; they shall own and control land, factories, mills, mines, transportation systems, and financial institutions. All power to the workers!

5. The Communist Labor Party has as its ultimate aim the abolition of the present system of production, in which the working class is mercilessly exploited, and the creation of an industrial republic wherein the machinery of production shall be socialized so as to guarantee to the workers the full social value of the product of their toil.

6. To this end we ask the workers to unite with the Communist Labor Party for the conquest of political power to establish a government adapted to the communist transformation.

PARTY AND LABOR PROGRAM.

(Part I.)

The Communist Labor Party of America declares itself in complete accordance with the principles of communism as laid down in the manifesto of the third International, formed at Moscow.

In essence these principles are as follows:

1. The present is the period of the dissolution and collapse of the whole system of world capitalism. Unless capitalism is replaced by the rule of the working class, world civilization will collapse.

2. The working class must organize and train itself for the capture of state power. This capture means the establishment of the new working-class government machinery in place of the state machinery of the capitalists.

3. This new working-class government—the dictatorship of the proletariat—will reorganize society on the basis of communism and accomplish the transition from capitalism to the communist commonwealth.

Communist society is not like the present fraudulent capitalist democracy, which, with all its pretensions to equality, is merely a disguise for the rule of the financial oligarchy, but it is a proletarian democracy, based on the control of industry and the state by the workers, who are thereby free to work out their own destiny. It does not mean capitalist institutions of government, which are controlled by the great financial and industrial interests, but organs of administration created and controlled by the masses themselves; such as, for example, the soviets of Russia.

4. The dictatorship of the proletariat shall transfer private property in the means of production and distribution to the working-class government, to be administered by the workers themselves. It shall nationalize the great trusts and financial institutions. It shall abolish capitalist agricultural production.

5. The present world situation demands that the revolutionary working class movements of all countries shall closely unite.

6. The most important means of capturing state power for the workers is the action of the masses, proceeding from the place where the workers are gathered together—in the shops and factories. The use of the political machinery of the capitalist state for this purpose is only secondary.

7. In those countries in which there is a possibility for the workers to use this machinery in the class struggle, they have in the past made effective use of it as a means of propaganda and of defense. In all countries where the conditions for a working-class revolution are not ripe the same process must go on.

8. We must rally all groups and proletarian organizations which have manifested and developed tendencies leading in the direction above indicated, and support and encourage the working class in every phase of its struggle against capitalism.

(Part II.)

1. The economic conditions in every country determine the form of organization and method of propaganda to be adopted. In order efficiently to organize our movement here we must clearly understand the political and economic structure of the United States.

2. Although the United States is called a political democracy, there is no opportunity whatever for the working class through the regular political machinery to effectively oppose the will of the capitalist class.

3. The years of Socialist activity on the political field have brought no increase of power to the workers. Even the million votes piled up by the Socialist Party in 1912 left the party without any proportionate representation. The Supreme Court, which is the only body in any Government in the world with the power to review legislation passed by the popular representative assembly, would be able to obstruct the will of the working class, even if Congress registered it, which it does not. The Constitution, framed by the capitalist class for the benefit of the capitalist class, can not be amended in the workers' interest, no matter how large a majority may desire it.

4. Although all the laws and institutions of government are framed and administered by the capitalists in their own interests, the capitalists themselves refuse to be bound by these laws or submit to these institutions whenever they conflict with these interests. The invasion of Russia, the raids into Mexico, the suppression of government in Central America and the Caribbean, the innumerable wars against working-class revolutions now being carried on—all these actions have been undertaken by the administration without asking the consent even of Congress. The appointment by the President of a Council of National Defense, the War Labor Board, and other extraconstitutional governing bodies without the consent of Congress is a direct violation of the fundamental law of republican government. The licensing by the Department of Justice of antilabor strike-breaking groups of employers—such as the National Security League, the American Defense Society, the Knights of Liberty, the American Protective League—whose express purpose was the crushing of labor organization and all class activities of the workers, and who inaugurated in this country a reign of terror similar to that of the Black Hundreds in Russia, was entirely opposed to the principles of the American Government.

Moreover, the war and its aftermath have demonstrated that governing power does not reside in the regularly elected or even the appointed officials and legislative bodies. In every State, county, and city in the Union the so-called

"police power" is shown to be superior to every law. In Minnesota, Wisconsin, and many other States so-called public-safety commissions and similar organizations were constituted by authority of the governors, made up of representatives of chambers of commerce and employers' associations, which usurped the powers of legislatures and municipal administrations.

6. Not one of the great teachers of scientific socialism has ever said that it is possible to achieve the social revolution by the ballot.

7. However, we do not ignore the value of voting or of electing candidates to public office, so long as these are of assistance to the workers in their economic struggle. Political campaigns and the election of public officials provide opportunities for showing up capitalist democracy, educating the workers to a realization of their class position, and of demonstrating the necessity for the overthrow of the capitalist system. But it must be clearly emphasized that the chance of winning even advanced reforms of the present capitalist system at the polls is extremely remote; and even if it were possible these reforms would not weaken the capitalist system.

(Part III.)

1. In America the capitalist class has never had a feudal aristocracy to combat, but has always been free to concentrate its power against the working class. This has resulted in the development of the American capitalist class wholly out of proportion to the corresponding development in other countries. By their absolute control of the agencies of publicity and education, the capitalists have gained a control over the political machinery which is impossible to break by resorting to this machinery.

2. Moreover, in America there is a highly developed labor movement. This makes it impossible to accomplish the overthrow of capitalism except through the agency of the organized workers.

Furthermore, there is in America a centralized economic organization of the capitalist class which is a unit in its battle with the working class, and which can be opposed only by a centralized economic organization of the workers.

3. The economic conditions of society, as Marx foretold, are pushing the workers toward forms of organization which are, by the very nature of things, forced into activity on the industrial field with a political aim—the overthrow of capitalism.

5. It is our duty as communists to help this process—to hasten it—by supporting all efforts of the workers to create a centralized revolutionary industrial organization. It is our duty as communists who understand the class struggle to point out to the workers that upon the workers alone depends their own emancipation, and that it is impossible to accomplish this through capitalist political machinery, but only by the exercise of their united economic power.

PROGRAM.

1. We favor international alliance of the Communist Labor Party only with the communist groups of other countries—those which have affiliated with the Communist International.

2. We are opposed to association with other groups not committed to the revolutionary class struggle.

3. We maintain that the class struggle is essentially a political struggle—that is, a struggle by the proletariat to conquer the capitalist state, whether its form be monarchial or democratic-republican, and to replace it by a governmental structure adapted to the communist transformation.

4. Communist platforms, being based on the class struggle and recognizing that this is the historical period of the social revolution, can contain only one demand—the establishment of the dictatorship of the proletariat.

5. We favor organized party activity and cooperation with class-conscious industrial unions in order to unify industrial and political class-conscious propaganda and action. Locals and branches shall organize shop branches to conduct the communist propaganda and organization in the shops and to encourage the workers to organize in one big union.

6. The party shall propagandize industrial unionism and industrial union organization, pointing out their revolutionary nature and possibilities.

7. The party shall make the great industrial battles its major campaigns to show the value of the strike as a political weapon.

8. The party shall maintain strict control over all members elected to public office, not only the local organizations but the national executive committee. All public officials who refuse to accept the decisions of the party shall be immediately expelled.

9. In order that the party shall be a centralized organization, capable of united action, no autonomous groups or federations independent of the will of the entire party shall be permitted.

10. All party papers and publications indorsed by the party and all educational and propaganda institutions indorsed by the party shall be owned and controlled by the regular party organization.

11. Party platforms, propaganda, dues, and methods of organization shall be standardized.

SPECIAL REPORT ON LABOR ORGANIZATION.

The purpose of the party is to create a unified revolutionary working-class movement in America.

The European war has speeded up social and industrial evolution to such a degree that capitalism throughout the world can no longer contain within itself the vast forces it has created. The end of the capitalist system is in sight. In Europe it is already tottering and crashing down, and the proletarian revolutions there show that the workers are at the same time becoming conscious of their power. The capitalists themselves admit that the collapse of European capitalism and the rise of the revolutionary working class abroad can not help but drag American capitalism into the all-embracing ruin.

In this crisis the American working class is facing an alternative: Either the workers will be unprepared, in which case they will be reduced to abject slavery, or they will be sufficiently conscious and sufficiently organized to save society by reconstructing it in accordance with the principles of communism.

II.

1. By the term "revolutionary industrial unionism" is meant the organization of the workers into unions by industries with a revolutionary aim and purpose; that is to say, a purpose not merely to defend or strengthen the status of the workers as wage earners but to gain control of industry.

2. In any mention of revolutionary industrial unionism in this country there must be recognized of the immense effect upon American labor movement of the propaganda and example of the Industrial Workers of the World, whose long and valient struggles and heroic sacrifices in the class war have earned the respect and affection of all workers everywhere. We greet the revolutionary industrial proletariat of America, and pledge them our whole-hearted support and cooperation in their struggles against the capitalist class. Elsewhere in the organized labor movement a new tendency has recently manifested itself, as illustrated by the Seattle and Winnipeg strikes, the one big union and shop committee movements in Canada and the West, and the numerous strikes all over the country of the rank and file, which are proceeding without the authority of the old reactionary trade-union officials, and even against their orders. This tendency, an impulse of the workers toward unity for common action across the lines of craft divisions, if carried to its logical conclusion would inevitably lead to workers control of industry.

3. This revolt of the rank and file must not be allowed to end in the disorganization of the ranks of organized labor. We must help to keep the workers together, and through rank and file control of the unions, assist the process of uniting all workers in one big union.

4. With this purpose in view, the Communist Labor Party welcomes and supports, in whatever labor organization found, any tendency toward revolutionary industrial unionism. We urge all our members to join industrial unions. Where the job control of the reactionary craft unions compels them to become members of these craft unions, they shall also join an industrial organization, if one exists. In districts where there are no industrial unions our members shall take steps to organize one.

III.

To labor and labor alone is industry responsible. Without the power of labor industry could not function. The need of the hour is that labor recognize the necessity of organization and education. This can not be achieved by attempt-

ing to influence the leaders of the labor movement, as has been clearly shown by the actions of the recent convention of the American Federation of Labor. It can only be done by getting the workers on the job and to some together and discuss the vital problems of industry.

3. Because of the industrial crisis created by the World War, together with the breakdown of industry following the cessation of hostilities, and the interruption of the processes of exchange and distribution, there is great dissatisfaction among the workers. But they can find no means of dealing with the situation. Their unions have refused to take any steps to meet the grave problems of to-day; and moreover, they obstruct all efforts of the rank and file to solve the problems and it becomes immediately necessary to find some way by which the workers can act.

4. We suggest that some plan of labor organization be inaugurated along the lines of the shop steward and shop committee movements. These committees can serve as a spur or check upon the officials of the unions; they will necessarily reflect the spirit and wishes of the rank and file, and will educate the workers on the job in preparation for the taking over of industry.

RECOMMENDATIONS.

We recommend the following measures:

1. That all locals shall elect committees on labor organization, composed so far as is possible of members of labor unions, whose functions shall be—

(a) To initiate or support the creation of shop committees in every industry in their district, the uniting of these committees in industrial councils, district councils, and the central council of all industries.

(b) To propagandize and assist in the combining of craft unions, by industries, in one big union.

(c) To bring together in the centers of party activity—locals and branches—delegates from factories and shops to discuss tactics and policies of conducting the class struggle.

(d) To propagandize directly among the workers on the job the principles of communism, and educate them to a realization of their class position.

(e) To find a common basis for the uniting of all existing economic and political organizations based on the class struggle.

(f) To mobilize all members who can serve as organizers to fill the demand for men and women who can organize bodies of workers along the lines indicated above.

(g) To direct the activities of local party organizations in assisting the workers whole-heartedly in their industrial battles, and making use of these battles as opportunities for educating the workers.

2. That a national committee on labor organization be elected by this convention, which shall cooperate with the local committees above mentioned. In addition, the national committee shall be charged with the task of mobilizing national support for strikes of national importance, and shall endeavor to give these a political character.

(a) It shall collect information concerning the revolutionary labor movement from the different sections of the country, and from other countries, and through a press service to labor and socialist papers shall spread this information to all parts of the country.

(b) It shall mobilize on a national scale all members who can serve as propagandists and organizers, who can not only teach but actually help to put into practice the principles of revolutionary industrial unionism and communism.

THE NEW OR THE OLD.

You are at the parting of the ways.

Will you choose the way of pitfalls and retreat or will you choose the straight road to workers' control and communism?

And the choice is easy.

It lies between the old Socialist Party, controlled by reactionaries, who are attempting to keep their membership by feeding them a program a bit more radical, and the new Communist Labor Party, a young, virile organization, already 30,000 strong.

The old Socialist Party in convention denounced the Scheidemann Berne International, but it did not indorse the third international, that organized by the uncompromising revolutionary hosts of Europe. The old Socialist Party, following its usual compromising attitude, wants something between the two and makes a call for still another international.

Well, making a call for it will not get it. And the resolution passed is merely a sop thrown to the radicals in the Socialist Party so that these radicals may continue to contribute to the reactionary leadership in the party.

The Communist Labor Party unequivocally indorsed the third international. It also turned its back upon pure and simple parliamentary socialism and adopted a platform and program in harmony with that adopted at the third international, which speaks the new revolutionary methods and voices the hopes of all comrades for the unconditional surrender of the capitalist class.

The new or the old, comrades, which is your choice?

Be decisive. If you are with us, let us know at once.

Sign the affiliation blank.

DUES STAMPS.

State organizations affiliated with the Communist Labor Party are hereby informed that new dues stamps have been issued and can now be had at the new rates, namely, 20 cents each. The Communist Labor Party, in convention, decided to make dues throughout the party uniform. Every member of the Communist Labor Party will pay 50 cents a month dues. Of this amount 20 cents will go to the national office for the maintenance of the national organization and the prosecution of field work.

In States where there is no Communist Labor Party State organization locals and branches should buy dues direct from the national office. The same rate of 20 cents per stamp will prevail in such case and until a State organization is formed.

The membership in locals and branches which have adopted the left-wing program must be kept in good standing, and toward the end it is absolutely essential that all secretaries purchase a supply of dues stamps at once.

CHARTER MEMBERSHIP STAMPS.

Begin your membership in the Communist Labor Party with a charter membership stamp. Every member who has severed his relations with the reactionary Socialist Party and has joined the Communist Labor Party should become a charter member of the new party. Your charter membership will be designated by the insertion of a charter membership stamp in your dues book.

These charter membership stamps will also be the "initiation" stamps for the first year. The admission fee for new members is \$1. State organizations already affiliated with the Communist Party are requested to purchase a supply of these stamps. In States where no State organization has yet been formed, locals and branches should make purchases of these stamps direct from the national office.

The price of these stamps to State organizations is 25 cents each. They will be sold at the same price to locals in unorganized states.

STRENGTH OF THE TWO LEFT WING PARTIES.

Inquiries have been made as to the membership strength of the Communist Party and the Communist Labor Party. Only an estimate of the strength of each can be given at this time for the exact membership can not be ascertained until both organizations have functioned for some months and then only upon the basis of dues stamps sales.

According to the dues stamp sales for six months of this year, the federations which probably will compose the Communist Party have the following number of members: Russian, 6,500; Ukranian, 3,500; South Slavic, 3,000; Lithuanian, 6,000; Lettish, 1,500; Hungarian, 2,400; Polish, 2,000. Add to this a few thousand English-speaking members which were represented at the

Communist Party convention, and the total estimated membership of the Communist Party is about 28,000.

The delegates attending the Communist Labor Party convention represented an English membership mostly. This membership is estimated by States, as follows: Arkansas, 500; California, 2,000; Colorado, 500; Delaware, 100; Florida, 200; Illinois, 2,000; Indiana, 1,000; Kansas, 500; Kentucky, 500; Michigan, 150; Minnesota, 800; Missouri, 500; Nebraska, 200; New Jersey, 800; New York, 2,500; Ohio, 3,000; Oregon, 1,500; Rhode Island, 500; Texas, 150; Utah, 500; Washington, 1,500; Virginia, 200; West Virginia, 500. Add to this the greater portion of the German federation membership, that which is left wing, about 5,000; the Italian federation, 1,000; and the Scandinavian federation, 3,000, and the membership of the Communist Labor Party equals, if it does not exceed, that of the Communist Party.

We state that an estimate is hard to make at the present time because neither party is yet organized. For instance, if we are to take the word of the 22 delegates attending the Communist Party convention, mostly English speaking who refuse all official positions in the Communist Party and stated upon the second last day of the convention that they would not abide by its decisions, then it is altogether probable that the Communist Party will lose a large portion of its English membership as represented in the convention.

PROCLAMATION TO THE MEMBERSHIP.

COMRADES: The great war has shaken the World's foundations. Many idols have crashed to the ground, showing their hollowness. The war has torn the mask of patriotism, democracy, and idealism from capitalism and laid bare the brutal features of man-devouring imperialism. It has shown the workers of the world that their true interests lie in international class solidarity, exercised upon the field of revolutionary class and mass action.

In this crucial moment the Socialist Party of the United States has betrayed the working class. It sold out the birthright of the workers for a mess of pottage consisting of political respectability and alignment with the interests of the petit bourgeoisie.

The Socialist Party employed the Chicago police department to throw out of the national convention the duly elected delegates of the membership while it packed the convention with "Socialist" aldermen from New York, the very ones that voted for the erection of an arch of triumph in glorification of the victory of American soldiers over the Red Guards of proletarian Russia at Murmansk.

The Socialist Party at the Chicago convention repudiated the real proletarian international—that organized at Moscow. It even found words of excuse for the murderers of Karl Liebknecht and Rosa Luxemburg. It disgraced the word "socialism."

In this emergency your delegates, on August 31, met in convention called by the revolutionary national executive committee, elected by you last spring upon the basis of the left-wing program, and formed the Communist Labor Party of the United States. We have chosen the name Communist Labor Party because the word "Socialist" has been internationally discredited by the Scheidemanns everywhere.

Realizing the need of unity between all revolutionary forces, the convention of the Communist Labor Party left nothing undone to bring about unity with the Communist Party convention, which convened at Chicago on September 1. Conference committees were elected, the appeal for unity was carried to the floor of the communist convention, and the declaration adopted instructing our national officers to exert every effort for a unification of the two parties. So far our efforts for unity have not met with success. The entire matter will be submitted to you in detail and we are confident that you will defer judgment until then.

The national executive committee of the Communist Labor Party appeals to you to repudiate the traitors of international socialism in the reactionary Socialist Party and to pledge yourselves, your energy, and all to the great struggle of working-class emancipation.

We are confident that your judgment will finally be in our favor and that you will help to unite the forces of the American working class under the

banner of the Communist Labor Party, an integral part of the third—the Communist International.

Long live the third international! Freedom for all class war prisoners! Victory to Communism!

Alexander Bilan, Jack Carney, L. E. Katterfeld, Edward Lingren, Max Bedacht, national executive committee, Communist Labor Party; A. Wagenknecht, executive secretary.

PARTY SUPPLIES.

New charters.—New charters for locals and branches that affiliate with the Communist Labor Party are now ready. These charters will go forward as soon as affiliation blanks are returned to this office.

Dues cards.—Members' dues cards are also ready for shipment. State organizations, locals, and branches desiring a supply should order at once.

Application cards.—Members of the Communist Labor Party should make it their first duty to secure new members. However, new members should only be secured upon the basis of our platform and program. Order supply of application cards.

Charter applications.—State organizations and comrades wishing to engage in organization work for the party should provide themselves with a supply of these blanks.

MAIN POINTS IN NEW CONSTITUTION OF COMMUNIST LABOR PARTY.

In order to summarize the more important organizational features of the Communist Labor Party, we present the following items from the new constitution:

1. An annual convention.

One of the great troubles with the party in the past has been the infrequency of gatherings of representatives of the rank and file to discuss and decide upon the party policies and tactics. Such gatherings are particularly necessary at the present time, when the rapidly changing aspects of communist development make it necessary for the membership to keep in close touch, to be able to take an intelligent attitude after thorough discussion.

2. A national committee of five members elected by the convention. Districts abolished. National committeemen can come from any part of the country.

A large national executive committee is no longer necessary in a party unified as ours is. It is only a relic of the old Socialist Party, whose national executive committee represented all elements in the party. In the Communist Labor Party convention the majority of the party adopts a communist program. The national executive committee elected to carry out the program must be composed only of communists, who have demonstrated their strength and single mindedness in the debates at the convention. Five committeemen united on principles and program are better able to carry these out than 15 who are not. The abolition of districts shows that we are no longer a party based on geographical interests but on a class interest. Finally, the convention is much better qualified to choose a national executive committee than the scattered rank and file, for the national convention is composed of men who represent the will of the membership, hammered out in locals or State conventions, and they in turn hammer out the policies of the party. They are therefore in a position to know who will be the best representative of their ideals. The referendum votes of the rank and file, who are not acquainted with the ideas of all candidates, and who have no opportunity to discuss these candidates in general meeting, can not adequately result in the election of a committee pledged to carry out the convention program.

3. Foreign-language federations shall be propaganda organizations, subject to the national executive committee. Foreign-language branches are to be an integral part of their locals, and buy their dues stamps through their local and State organizations.

In the old Socialist Party the federations were practically autonomous. Their branches were permitted to segregate themselves from the English-speaking comrades, and act through their federation as a separate body. Dues stamps were bought through the translator-secretaries by the executive

committees of these federations, and at the end they acted as organizations separate and distinct from the English-speaking body of the party. In the Communist Labor Party, instead of the translator-secretary paying in the money due to the national office, and thus being in a position to hold up the national office—the dues stamps shall be sold to the foreign-language branches as to all other branches, by locals and States, and the money goes to the national office, which remits the amount due the federation to the translator-secretary.

4. An official national weekly paper, which shall go to each member, to be paid for out of his dues.

This paper shall publish not only organization news, and instructions to locals, branches and members but also discussions of tactics, news of the latest developments of communist movements the world over, the changes in tactics dictated by revolutiona experience abroad, and other matters needed to make our membership well informed, intelligent and capable of acting as a unit in crises.

5. Standard party dues of 50 cents per month, 25 cents of which shall go to the national office. An admission fee of \$1.

In a party such as ours, in which the national office plays such an active part, it is necessary that the national office be well provided with funds for its work, as well as for the purpose of financing national conventions. For the other items, the cost of living makes it necessary for us to double the allotment to States, locals and branches. Already in some parts of the country branches are charging as much as 70 cents per month. Dues must be made uniform throughout the country.

CONSTITUTION.

ARTICLE I.—*Name.*

The name of this organization shall be the Communist Labor Party of the United States of America.

ARTICLE II.—*Membership.*

SECTION 1. Any person, 18 years of age or over, who has severed his connection with all other political parties and political organizations and who subscribes to the principles of the Communist Labor Party, shall be eligible to membership in the party.

SEC. 2. No member of the party shall accept or hold any appointive public office, honorary or remunerative (civil service positions excepted) without the consent of his State organization, nor be a candidate for public office without the consent of his city, county, or State organization, according to the nature of the office.

SEC. 3. A member who desires to transfer his membership from the party in one State to the party in another State may do so upon the presentation of his card showing him to be in good standing at the time of asking for such transfer, and also a transfer card duly signed by the secretary of the local from which he transfers.

SEC. 4. All persons joining the Communist Labor Party shall sign the following pledge:

APPLICATION FOR MEMBERSHIP IN THE COMMUNIST LABOR PARTY.

"I, the undersigned, recognizing the class struggle between the capitalist class and the working class, and the necessity of the working class organizing itself politically and industrially for the establishment of communism, do hereby apply for membership in the Communist Labor Party.

"I have no relations, as member or supporter, with any other political party.

"I am opposed to all political organizations that support the present capitalist profit system and am opposed to any form trading or fusing with any such organizations.

"In all my political actions while a member of the Communist Labor Party, I agree to be guided by the constitution and platform of that party."

ARTICLE III.—National executive committee.

SECTION 1. The policies of the Communist Labor Party shall be carried out by the national executive committee.

SEC. 2. The national executive committee shall consist of five members who shall be elected by the annual conventions of the party to serve for a term of one year. At the time when the national executive committee is elected the convention shall also elect a first and a second alternate to the committee.

SEC. 3. Members of the national executive committee and alternates thereto shall be elected by majority vote of the convention.

SEC. 4. The traveling expenses of members of the national executive committee in attending meetings of the committee and a per diem not exceeding \$6 for the time of attending committee meetings shall be allowed out of the national funds.

ARTICLE IV.—Duties of the national executive committee.

SECTION 1. The duties and powers of the national executive committee shall be—

(a) To represent the party in all national and international affairs, subject in the latter case to the provisions for international delegates and secretary.

(b) To call national conventions and special conventions decided upon by the referendum of the party. In case of emergency, the national executive committee may call special conventions by a four-fifths vote of the committee.

(c) To formulate the rules and the order of business of the national conventions of the party not otherwise provided for by this constitution, and subject to amendment and adoption by the conventions.

SEC. 2. The national executive committee, as required by the Federal corrupt-practices act, shall elect a permanent chairman who shall serve without salary.

SEC. 3. The committee shall formulate its own rules of procedure not inconsistent with the provisions of this constitution.

SEC. 4. Members of the national executive committee shall be subject to recall by the members of the party through the referendum.

SEC. 5. The location of the national headquarters shall be determined by the national executive committee.

SEC. 6. (a) No funds of the national organization shall be appropriated by the national executive committee for any purpose not directly connected with the propaganda of the Communist Labor Party or the struggles of labor. No more than \$100 shall be appropriated to any one organization other than a subdivision of the party; and no application for financial assistance coming from locals or other subdivisions of State organizations shall be entertained unless they have the indorsement of their State organization.

(b) The committee shall not have power to appropriate funds, except for the current expenses of the national office, unless the party has sufficient funds on hand to meet all outstanding obligations, or unless the regular income will in the natural course of events cover such appropriations before the end of the current year. The committee shall make no appropriations, directly or indirectly, for the support of any paper or periodical not owned by the national office or by a subdivision of the party.

SEC. 7. The national office mailing list of locals and branches and of subscribers shall not be given out to anyone outside the membership, nor shall they be given to members for private purpose. Appropriate portions of them may be given to members and party officials at any time for purposes of organization, propaganda, and renewals of subscriptions.

ARTICLE V.—National executive secretary.

SECTION 1. The national executive secretary shall be employed by the national executive committee. He may be removed at any time by the committee or by referendum vote of the party membership. He shall give bonds in the amount fixed by the committee. His compensation shall be fixed by the national executive committee.

SEC. 2. The national executive secretary shall have charge of all affairs of the national office, including the establishment of necessary departments, subject to the directions of the national executive committee. He shall supervise the accounts of the national office and its departments.

SEC. 3. The national executive secretary shall publish a weekly official organ of the party in which shall appear all important official reports and announcements; a monthly report of the financial affairs of the party; a summary of the conditions and the membership in the States and Territorial organizations; the principal business transacted by the national officials; and such other matters pertaining to the organization of the party as may be of general interest to its membership.

SEC. 4. The national executive secretary shall—

(a) Make reports of the membership and condition of the party organization and recommendations thereon to the national conventions.

(b) Receive dues and reports from the State organizations.

(c) Conduct the national referendums in the manner provided for in this constitution.

(d) Print in the official organ a specific statement of all moneys expended for printing leaflets and books, with titles and authors of the same.

ARTICLE VI.—*Representatives in Congress.*

SECTION 1. Members of Congress elected on the Communist Labor Party ticket shall submit reports of their actions in Congress to the national conventions and to the national executive committee as the later may require.

SEC. 2. In the support of measures proposed by the Communist Labor Party, they shall carry out instructions which may be given by the national conventions, the national executive committee, or by a general referendum of the party.

SEC. 3. In all legislative bodies, such as Congress, State legislatures, boards of supervisors, or town councils, Communist Labor Party members shall organize into a group separate and apart from all other parties. They shall elect a chairman, and in the support of all measures definitely declared for in the platforms of the party they shall vote as a unit.

ARTICLE VII.—*National conventions.*

SECTION 1. A regular national convention of the party shall be held annually on the 10th day of May at such place as the national executive committee may decide.

SEC. 2. Special conventions of the party may be held at any time if decided upon by a referendum of the membership or a four-fifths vote of the national executive committee.

SEC. 3. The national convention shall be composed of 100 delegates to be apportioned among the States in the following manner:

One from each organized State and Territory and the remainder in proportion to the average national dues paid by the organization of such States and Territories during the preceding year. No delegate shall be eligible unless he is a resident member of the State from which his credential is presented.

SEC. 4. Railroad fare, including tourist sleeper carfare and berth, of delegates to and from the national conventions and a per diem allowance of \$3.50 to cover expenses shall be paid from the national treasury by setting aside a portion of the national dues sufficient to cover the same, to be estimated at the beginning of each year.

SEC. 5. (a) The election of delegates to the national convention shall be completed not later than 60 days preceding the convention, and the State secretaries shall furnish the national executive secretary with a list of the accredited delegates immediately after said election.

(b) The national executive secretary shall prepare a printed roster of all the delegates, including the contested delegates, who shall be so indicated. This roster shall be sent to each delegate and forwarded to the party press for publication before the date of meeting. Such roster shall contain the occupation of each delegate at the time of his nomination and his office or employment in the party. All official reports required to be presented to the national convention shall be printed and sent to each delegate elected and furnished to the party press at least 15 days before the date of the convention.

(c) At the time and place set for the opening of the national convention, the national executive secretary shall call the convention to order, and shall call the roll of all delegates including the contested delegates. The uncontested delegates shall then permanently organize the convention.

(d) No delegation's seats may be contested unless the contesting delegation is present at the convention.

SEC. 6. The national convention shall have the power to nominate candidates for president and vice president, to adopt a national platform and to transact such other business as the convention may see fit. Vacancies on the national ticket shall be filled by the national executive committee.

SEC. 7. All national platforms, amendments of platforms, and resolutions adopted by any national convention shall be submitted seriatim to a referendum vote of the membership. One-fourth of the regularly elected delegates shall be entitled to have alternative paragraphs to be submitted at the same time. Such alternative paragraphs, signed by one-fourth of such delegates, shall be filed with the executive secretary not later than one day after the adjournment of the convention.

ARTICLE VIII.—*State organizations.*

SECTION 1. The formation of all State or Territorial organizations or the organization of the State or Territorial organizations which may have lapsed shall be under the direction of the national executive secretary.

SEC. 2. No State or Territory may be organized unless it has an aggregate membership of not less than 300. When the membership of any State averages less than 300 per month for any six consecutive months the national committee may revoke the charter of that State.

SEC. 3. (a) The platform of the Communist Labor Party shall be the supreme declaration of the party, and all State and municipal platforms shall conform thereto. No State or local organizations shall under any circumstances fuse, combine or compromise with any other political party or organization, or refrain from making nominations, in order to favor the candidate of such other organizations, nor shall any candidate of the Communist Labor Party accept any nomination or indorsement from any other party or political organization.

SEC. 4. No member of the Communist Labor Party shall, under any circumstances, vote in any political election for any candidate other than party members nominated, indorsed, or recommended as candidates by the party or advocate voting for them. To do so will constitute party treason and result in expulsion from the party.

SEC. 5. (a) The State secretaries shall make monthly reports to the executive secretary concerning their membership, financial condition, and general standing of the party.

(b) During the months of January and July of each year, or at any other time required by the national executive committee or by this constitution, the State secretaries shall furnish the national executive secretary a list of the locals affiliated with their respective State organizations, together with the number of members in good standing, and the name and address of the corresponding secretary of each local. Refusal, failure, or neglect to comply with this section shall subject the State organization to suspension from the Communist Labor Party and deprive such State organization of participation in the affairs of the Communist Labor Party, and shall be a forfeiture of the right to representation in the national executive committee, the conventions, and congresses of the party.

SEC. 6. (a) All applicants for membership in the Communist Labor Party upon signing the party pledge as required in article 2, section 4, of this constitution shall pay an initiation fee of \$1, 25 cents of which shall be sent to the national office.

(b) All members shall pay uniform dues of 50 cents per month, 20 cents of which shall be sent to the national office.

SEC. 7. (a) The national office shall also issue to the State secretaries exempt stamps, both regular and special, free of charge, to be used by party members temporarily unable to pay dues on account of unemployment caused by sickness, strikes, lockouts, or any other condition not within their control.

(b) Any member desiring to use such exempt stamps shall make application therefor to the financial secretary of his local organization, and such application shall be passed upon by such organization. Exempt stamps shall be issued only to members in good standing who have paid dues for at least three months. The number of exempt stamps shall not exceed 10 per cent of the total number of stamps obtained by the respective State organizations. The acceptance of

exempt stamps by any member shall in no way disqualify such member from any rights and privileges of party membership.

(c) The national office shall also issue a double-perforated stamp to the State secretaries at the rate of 20 cents per stamp, one-half of such stamp to be affixed to membership card of husband and other half to that of wife. Husbands and wives desiring to use such stamp shall make application to the financial secretary of their local and such application shall be passed upon by such organization.

SEC. 8. All State organizations shall provide in their constitutions for the initiative, referendum, and recall.

SEC. 9. No person shall be nominated or indorsed by any subdivision of the party for candidate for public office unless he is a member of the party and has been such for at least two years, except with the consent of the State organization. But this provision shall not apply to organizations which have been in existence for less than two years.

SEC. 10. When a controversy exists in a State organization, the executive secretary shall continue to sell dues stamps to the secretary recognized by him before such controversy is officially brought before him, until a State referendum has decided otherwise. He shall take no action except on petition of 10 per cent of the locals (but not less than three locals), which must be located in different localities, appearing on the last official list filed with him by the State secretary at least three months prior to controversy, and then only if there is doubt as to who is State secretary. In such case he shall hold a referendum of those locals reported on the last official list to determine who is State secretary. The individually signed ballots in such referendum shall be sent to the executive secretary.

ARTICLE IX.—*International delegates and international secretary.*

SECTION 1. Delegates to the international congress and international secretary shall be elected at the time and in the manner provided for in the election of members of the national executive committee. There shall be one delegate for every 20,000 members, ascertained by computing the average for the preceding year. The requisite number of candidates receiving the highest number of votes shall be elected. The next highest in the election shall be the alternates. The expenses of the delegates and a per diem equal to the per diem fixed for members of the national executive committee shall be paid out of the national treasury.

International delegates and international secretary shall be subject to recall by referendum of the party membership.

ARTICLE X.—*Foreign-speaking federations.*

SECTION. 1. Five branches of the Communist Labor Party working in any other language than English shall have the right to form a language federation under the supervision of the national executive secretary.

SEC. 2. Such language federation shall have the right to elect an officer known as translator-secretary, who shall be conversant with his own language, as well as the English language, and whose duty it shall be to serve as a medium of communication between his federation and the national organization of the Communist Labor Party.

SEC. 3. When such language federation shall have at least 1,000 members, their translator-secretary shall be entitled to necessary office room in the national office. When any language federation is reduced to 1,000 members, the rights of that language federation to office room may be suspended at the discretion of the national executive committee.

SEC. 4. Each foreign-language branch shall purchase its dues stamps from the city or county committees where such organizations exist, or otherwise from the State secretary. Such purchases of dues stamps shall be receipted for upon a special form provided for that purpose by the national office. These receipts shall then be sent to the respective translator secretaries, who, upon presentation of the same to the national executive secretary, shall receive from him the sum of 15 cents for each stamp thus receipted.

SEC. 5. (a) Branches of language federations shall be integral parts of the county and State organizations, and must in all cases work in harmony with the constitution and platform of the State and county organizations of the Communist Labor Party.

Language branches, not affiliated with a federation of their respective language, shall work in harmony with such federation, restricting their work within the territorial jurisdiction of such branches. In no case, however, shall such branches indulge in or permit their members to carry on work against the interests of the federations. Federations shall not be permitted to organize additional branches within the territorial jurisdiction of branches not affiliated with them, except with the consent of the State organizations. The charter of any language branch not affiliated with a federation, that condones or conducts work aiming at the destruction of a federation, shall be revoked by the State organization in accordance with the method of procedure provided by the constitution of the State organization. When the charter of such branch is revoked, such of its members who will agree to refrain from similar objectionable work in the future shall be organized in a new branch. But no member of a branch the charter of which has been revoked for the offense mentioned above shall be denied admission to the new branch, if a statement is signed obligating himself to work in harmony with the provisions of this section.

(b) A language federation may, if its constitution so provides, exclude for cause any of the branches or locals affiliated with it. Such excluded locals and language branches shall lose only the rights and privileges dependent upon affiliation with the federation. They shall continue to be an integral part of the county and State organizations, until such time as the exclusion has been approved by the county and State organizations.

Members of a federation can not be suspended or expelled from the party by the federation or by any of its subdivisions, the power to suspend or expel members from the party being vested exclusively in the county and State organizations. The accused members shall be accorded a fair trial in the manner provided by the county and State constitutions or local by-laws.

SEC. 6. All propaganda work of the language federations shall be carried out under the supervision of their executive officers according to the by-laws of the federations. Such by-laws must be in conformity with the constitution of the Communist Labor Party.

SEC. 7. Each translator-secretary shall make every three months a report of the general standing and condition of his federation to the national office.

SEC. 8. The Communist Labor Party shall not recognize more than one federation of the same language.

SEC. 9. Each federation shall be entitled to elect one fraternal delegate to the national conventions of the party; provided, that such delegate shall have a voice but no vote. He shall receive railroad fare and per diem from the party the same as regular delegates.

ARTICLE XI.—*Referendum.*

SECTION. 1. Motions or resolutions to be voted upon by the entire membership of the party except proposed amendments to the national constitution shall be submitted by the executive secretary to the referendum vote of the party membership upon the request of locals representing at least 5 per cent of the entire membership on the basis of dues paid in the preceding year.

The term "local" as herein used shall be construed to mean a local or branch of a local, but not a body composed of delegates from branches or locals.

SEC. 2. Each motion and resolution shall be printed in the official paper and remain open 90 days from the date of first publication, and, if it has not then received the requisite number of seconds, it shall be abandoned. The vote on each referendum shall close 60 days after its submission.

SEC. 3. Referendums shall be submitted without preamble or comment. But comment not to exceed 200 words both for and against may accompany the motion when printed.

SEC. 4. Any officer who attempts to interfere with the processes of the membership shall be expelled from office.

SEC. 5. Whenever a motion, resolution or an amendment has been regularly initiated and passed upon by the party membership, another motion that conflicts with the same shall not be considered for at least six months.

ARTICLE XII.—*Young People's Communist Labor League.*

SECTION 1. The work of the Young People's Communist Labor League in the national field shall be under the control and direction of the executive committee of the party.

SEC. 2. Branches of the Young People's Communist Labor League shall be under the control of the city, county or state organizations, and must in all cases work in harmony with the constitution and platform of the city, county or State organization of the party.

SEC. 3. The Young People's Communist Labor League shall be entitled to elect one fraternal delegate, having a voice but no vote to the national conventions. He shall receive railroad fare and per diem from the party the same as regular delegates.

ARTICLE XIII.—Amendments.

SECTION 1. This constitution may be amended by a referendum of the party membership; amendments may be proposed by the national convention or upon the request of locals representing at least 8 per cent of the entire membership on the basis of dues paid in the preceding year. All such amendments to be submitted seriatim to a referendum vote of the party membership.

The term "local" as herein used shall be construed to mean a local or branch of a local, but not a body composed of delegates from branches or locals.

SEC. 2. All amendments shall take effect 60 days after being approved by the membership.

ARTICLE XIV.

SECTION 1. Any person formerly a member of the Socialist Party of the United States, who at the time of the emergency national convention of the Socialist Party, in 1919, was in good standing in that organization and who has signed the regular application pledge for the Communist Labor Party, shall be considered a member in good standing of the Communist Labor Party and shall not be required to pay the \$1 initiation fee, provided such persons' applications for membership in the Communist Labor Party shall be received before December 1, 1919.

SEC. 2. This constitution shall be in effect immediately upon its adoption by the convention at Chicago at which the Communist Labor Party was formed.

ROSTER OF DELEGATES, COMMUNIST LABOR PARTY CONVENTION HELD IN CHICAGO AUGUST 30 TO SEPTEMBER 5, 1919.

Arkansas: Fannie Crowell, Argenta; W. K. Tennyson, Beebe.

California: Kasper Bauer, San Jose; Max Bedacht, San Francisco; James H. Dolsen, San Francisco; Edric B. Smith, Oakland; Irene M. Smith, Los Angeles; John C. Taylor, Oakland.

Colorado: Harry Intemann, Denver; Fred Underhill, Denver.

Delaware: Beatrice M. Sedgwick, Edgemoor.

Florida: John Sprunk, Tampa.

Illinois: N. Juel Christensen, Chicago; H. E. Greenwood, Chicago; Samuel F. Hankin, Chicago; William Bross Lloyd, Winnetka; Charles Krumbeln, Chicago; Dr. Karl F. M. Sandberg, Chicago; O. J. Brown, De Kalb; L. K. England, Moline; William Lugge, Belleville; O. Alfred Olsen, Rockford; Edgar Owens, Moline; Perry H. Shipman, Rock Island; A. D. Swargess (alternate).

Indiana: George A. Cameron, Terre Haute; Morris K. Friedman, South Bend; W. F. Jackson, Indianapolis; Noble C. Wilson (fraternal delegate), Terre Haute; J. B. Zimmerman, Anderson.

Kansas: Gertrude C. Harmon, Kansas City; L. E. Katterfield, Dighton.

Kentucky: E. B. Austin, jr., Louisville; Emil Von Allmen, Louisville.

Michigan: Marlin Kirin, Detroit.

Minnesota: Clara Strong Broms, St. Paul; Jack Carney, Duluth; Charles Dirba, Minneapolis; Carl Haglund, Duluth; H. Holm, St. Paul; Carl Skoglund, Minneapolis; Joseph Ungar, St. Paul. (All but Jack Carney joined communist convention.)

Missouri: E. D. Wilcox, Kansas City; Henry Tichenor, St. Louis.

Nebraska: William Chase, Omaha; Edward Rutlege, Omaha.

New Jersey: Fred Harwood, Newark; Henry Petzold, West Hoboken; Louis F. Wolf, Wehawken.

New York: Thomas Crimmins, Syracuse; I. B. Boudin, Brooklyn (left the convention); Benjamin Gitlow, New York; Mrs. Fannie Jacobs, Brooklyn;

Edward Lindgren, Brooklyn; Sarah J. Lindgren, Long Island; Ludwig Lore, New York; Irwin B. Klein, Yonkers; John Reed, Croton-on-Hudson; Morris Zucker, Brooklyn.

Ohio: Charles Baker, Akron; Alexander Billan, Cleveland; Lotta Burke, Cincinnati; Tom Clifford, Cleveland; Clifford King, Hamilton; C. E. Ruthenberg, Cleveland (left for communist convention); Joseph A. Johnson, Toledo; A. Wagenknecht, Cleveland; Lawrence A. Zitt, Cleveland; William O. McClory, Tiffin; Marguerite Prevey, Akron; Minnie Rivkin, alternate, Cleveland; M. J. Jeannero, Canton; Edward Smith, alternate, Warren; Charles Bonsall, Salem; Thomas Davies, Hubbard; J. F. Denison, Warren.

Oregon: Victor Saulit, Portland; Harlin Talbert, Portland; H. S. Warren, Portland.

Rhode Island: J. M. Coldwell, Providence; James P. Reid, Providence.

Texas: B. H. Lauderdale, Cisco.

Utah: E. B. Hyde, jr., Salt Lake City; R. E. Richardson, Salt Lake City.

Washington: Knute Evertz, Bellingham; Aaron Fislerman, Seattle; Katherine Greenhalgh, Seattle; John McSillarow, Everett; Arne Swabeck, Seattle.

West Virginia: Edwin Flirth, Chicago; J. H. Snyder, Barrackville.

Virginia: B. M. Dutton, Abingdon.

POLICE!

(The following letter was sent the reactionary Socialist Party convention by the machinists' union, which owns the hall in which the convention met:)

DEAR COMRADES AND FRIENDS: On behalf of the Die and Tool Makers' Lodge No. 113, International Machinists' Association of Chicago, we protest against the harboring and use of police in this hall. This hall is the property, as well as the sanctuary, of a progressive and militant labor organization, based upon the class struggle. We do not permit our members to work under police protection; we can not conceive how we can let any meeting in this hall be carried on under police protection when we as an organization condemn it and oppose it. While we are not represented in your convention as individual members or representatives of an organization, we nevertheless are with you in spirit. For all these reasons we can not let the police remain as your protectors, or, perhaps, as your invited guests, without submitting our deepest protest. We call upon you to take steps to remove the police or make such arrangements as will satisfy us that you are not responsible for the presence of the police.

We are not asking this to put hardship on you, but for the best interest of the Socialist Party and the labor movement in general.

Yours, for international solidarity,

EXECUTIVE BOARD,

Die and Tool Makers' Lodge No. 113.

PARTY NEWS.

Every mail brings encouraging news from organizations seeking affiliation with the Communist Labor Party. Thomas Crimmins, of Syracuse, N. Y., writes:

"Send membership cards, stamps, etc., so as to reach me Saturday. That night we go into the Communist Labor Party. The language federation delegates decided last night to do so. Charge stamps to me and send about 200 and 200 cards."

Jack Carney writes: "Have just had a letter from Jim Larkin and he sends encouraging news from New York. Locals Duluth and the Scandinavian branch have joined us (about 500 members), and I believe we will have the whole Iron Range and also locals down State."

Ludwig Lore, editor of the New York Volkszeitung, writes: "Delegated body of German federation elected national executive committee and voted 41 to 8 for affiliation with the Communist Labor Party. Branches ready to join immediately. Must have supplies at once."

Reed and Gitlow write: "New York, we are sure, is with us. At every branch where we have spoken the majority has decided for the Communist Labor Party. We intend securing the affiliation of the branches first and then we will organize local New York."

COMMUNIST LABOR PARTY.

National headquarters: 3207 Clark Avenue, Cleveland, Ohio. A. Wagenknecht, executive secretary.

National executive committee: Max Bedacht, California; Alexander Billan, Ohio; Jack Carney, Minnesota; L. E. Katterfeld, Kansas; Edward Lindgren, New York. Alternates: L. K. England, Illinois; Edgar Owens, Illinois.

Labor committee: Charles Baker, Ohio; L. K. England, Illinois; Benjamin Gitlow, New York; R. E. Richardson, Utah; Arne Swabeck, Washington.

International delegates: John Reed, New York; A. Wagenknecht, Ohio.

EXHIBIT B.

APPLICATION FOR MEMBERSHIP—COMMUNIST LABOR PARTY.

"I, the undersigned, recognizing the class struggle between the capitalist class and the working class, and the necessity of the working class organizing itself politically and industrially for the purpose of establishing Communist Socialism, hereby apply for membership in the Communist Labor Party. I have no relations (as member or supporter) with any other political party. I am opposed to all political organizations that support the present capitalist profit system, and I am opposed to any form of trading or fusing with any such organizations. In all my actions while a member of the Communist Labor Party I agree to be guided by the constitution and platform of that party."

Name.....	Occupation.....	
Street address.....	Initiation fee.....	\$1.
City..... State.....	Dues at 50c month.....	
Age..... Date.....	Papers and literature.....	
Give name of your union.....	Donations.....	
Proposed by.....	Total.....	

Where do you work? Answer on reverse side.

OFFICIAL RECEIPT.

This certifies that

.....

has made application for membership in the Communist Labor Party and has paid the

Initiation fee.....	\$1.
Dues at 50c per month.....	
Papers and literature.....	
Donations.....	
COMMUNIST LABOR PARTY,	Total,
By.....	

Notice to applicants: The subdivision of the Communist Labor Party which will consider your application meets
Place
Address
Date

EXHIBIT C.

COMMUNIST LABOR PARTY MEMBERSHIP CARD.

Subdivision _____ City _____ State _____
 Name _____ Address _____ Admitted _____ 19____
 No. _____ Page _____ Sec'y Address _____

Issued by authority of National Executive Committee, 3207 Clark Ave., Cleveland, Ohio.

[Pay dues ahead and you'll never be behind.] [Pay dues ahead and you'll never be behind.]

Year 19...				Year 19...			
Jan.	Feb.	Mar.	Apr.	Jan.	Feb.	Mar.	Apr.
May.	June.	July.	Aug.	May.	June.	July.	Aug.
Sept.	Oct.	Nov.	Dec.	Sept.	Oct.	Nov.	Dec.
SPECIAL STAMPS.				SPECIAL STAMPS.			
CHARTER MEMBERSHIP STAMP.		INTERNATIONAL LABOR DAY STAMP.	INTERNATIONAL LABOR DAY STAMP.				
ORGANIZATION ASSESSMENT STAMP.							

This certifies that the owner of this card has paid dues for the months covered by due stamps, and is in good financial standing to and including last month stamped.

January to July, _____, Financial Secretary.
 Address, July to December, _____, Financial Secretary.
 Address, January to July, _____, Financial Secretary.
 Address, July to December, _____, Financial Secretary.
 Address, _____

EXHIBIT D.

NOTE.—From the present outlook, State offices in 15 States are affiliated with the Communist Labor Party. If your State office is already affiliated with the Communist Labor Party, then the national office will forward notice of your affiliation to your State office. If your State office is in the control of reactionary officials, then as soon as enough locals in your State join the Communist Labor Party a State organization will be effected. If your organization is a branch of a Language Federation, we will forward notice of your affiliation to your translator secretary, or we will organize a new Language Federation as soon as enough branches affiliate with the Communist Labor Party. In any case, send this affiliation certificate to the national office, Communist Labor Party, 3207 Clark Avenue, Cleveland, Ohio.

AFFILIATION CERTIFICATE.

Date_____

COMMUNIST LABOR PARTY,
3207 Clark Avenue,
Cleveland, Ohio.

COMRADES: This certifies that we have indorsed the platform, program, and constitution of the Communist Labor Party and hereby apply for a charter in that party. The meeting at which affiliation was decided upon was held (date) _____ and we desire our charter to be so dated.

Name of local branch, _____. Number of members in your organization, _____. State your financial resources, _____. Give date and place of your regular business meetings, _____. Will you arrange a public meeting for a Communist Labor Party speaker, _____. Secretary, _____. Address, _____. City, _____. Financial secretary, _____. Address, _____. City, _____. Organizer, _____. Address, _____. City, _____. Literature agent, _____. Address, _____. City, _____.

EXHIBIT E.

ORDER BLANK—COMMUNIST LABOR PARTY DUES, STAMPS, AND SUPPLIES.

NOTE.—Send in an order for dues stamps and supplies to the national office of the Communist Labor Party at once. We will transfer the order to your State office if it is affiliated with our party.

No price is set for dues stamps, etc., because we do not yet know whether your order will have to be transferred to your State office. We will fill your order and give you credit until either this office or your State office sends you a bill. In ordering combined platforms, programs, constitutions, or copies of the Communist Labor Party News, please remit with order.

Uniform dues are 50 cents per member per month and all local or branch secretaries should collect dues at this rate from members as soon as the new dues stamps are received.

Every member should be requested to purchase a charter membership stamp. The price per stamp to each member is \$1. This stamp registers the member as a charter member in the Communist Labor Party. These charter member stamps will also be the initiation stamp for the first year. Initiation fee is \$1. Order a quantity of these stamps both for your new and present members.

New dues books in which to insert the new dues stamps and the charter membership stamp should be ordered in sufficient quantity for all members.

From (local or branch), _____. Name of secretary, _____. Address, _____.

To the NATIONAL OFFICE, COMMUNIST LABOR PARTY,
3207 Clark Avenue, Cleveland, Ohio.

COMRADES: Send the following supplies immediately to the above address:

Number.	Description.
.....	Dues stamps.
.....	Charter membership stamps.
.....	Dues books.
.....	Membership application cards.
.....	Charter applications.
.....	Platforms, programs, constitutions, combined, \$1 per hundred.
.....	Communist Labor Party News, convention edition, \$1.50 per hundred.

EXHIBIT F.

COMMUNIST LABOR PARTY NEWS.

[Official organization organ of the Communist Labor Party. Cleveland, Ohio, October, 1919.]

THE THREE PARTIES—A KEEN ANALYSIS OF THE PARTY SITUATION BY L. E. KATTER-FELD—READ IT CAREFULLY—GET OTHERS TO READ IT.

I. All over the world the old Socialist movement is breaking in two over a fundamental difference of principle.

First there are those that look upon the capitalist political State as a fit instrument through which the working class can gradually bring about reforms that will ultimately result in the cooperative commonwealth. These look upon municipal and government ownership as "steps toward socialism." They emphasize "immediate demands" in political platforms. Their best-known world spokesman is Scheideman. They control the Second International.

Then there are those that consider the capitalist political State with its sham democracies as but an instrument of the ruling class to keep the working class in subjection. They hold that no reforms can be achieved through this instrument that will seriously endanger the power of the ruling class, and that to emancipate themselves the workers must organize their own power, abolish the existing capitalist political State, and under their own dictatorship develop the instruments with which to build the industrial republic. Their best-known world spokesman is Lenin. They are organized in the Third International.

These two viewpoints are fundamentally opposed to each other. Now that their adherents are shooting at each other with machine guns in Europe, they can no longer remain together even here. Those that believe in prolonging the existing political state and those that want to abolish it do not belong in the same party. One or the other has to get out.

Every member must now make his choice between petty bourgeois reform socialism, as exemplified in the officialdom of the old Socialist Party and the revolutionary principles of proletarian international communism.

II. Early this year it became apparent that the revolutionary element of the party in this country had become the majority. The very logic of world events had changed the views of tens of thousands of comrades. The overwhelming mass of the membership indorsed the principles of the "left wing" and elected their candidates for party offices by tremendous majorities.

In order to retain control of the party organization machinery for the moderates, the reactionary officialdom of the Socialist Party suppressed these election returns, expelled nearly 40,000 members, suppressed the membership motions to reverse their acts, suppressed the referendum by which the membership had voted 10 to 1 to join the Third International, and mobilized the Chicago police against their comrades in the emergency convention in Chicago.

Over 50 regularly elected delegates were kept out of the Germer convention by the Chicago police under Germer's personal orders. Every possible effort was made by these delegates to secure seats in that convention and win the official control of the party's organization machinery for the party's revolutionary majority. But when the Germer convention proceeded to do business without even waiting for a report from their contest committee, every left wing delegate that had already been seated, withdrew and joined with his excluded comrades.

These delegates, representing a majority of the party membership, then met at the call of the N. F. C. that had been elected by referendum, held the legal emergency convention of the Socialist Party, and transacted the business for which the membership had sent them.

Then and there was discarded the outgrown shell of old reactionary officialdom and compromising tactics that had been hampering the revolutionary development of the party. Then and there was the party transformed into a party of Communist socialism in accord with the mandates of the party's revolutionary membership. As an outward token of this inward transformation that had already taken place, the name of the party was changed to Communist Labor Party, and the hammer and sickle of the Bolsheviks was adopted as the party's official emblem.

Let now the dead old party bury its dead. Let us leave the opportunist reform elements in the old Socialist Party and the international of Scheideman. Let us gather the revolutionary proletarian elements in the Commu-

nist Labor Party and set our faces toward the new day; toward the rising sun of the Communist international.

III. Why are two parties of Communist socialism now emerging out of this glorious hour? Why is there a schism in the Communist ranks?

The germ was planted by the old N. E. C. when they expelled part of the left wing elements and left others in the party. Sensing the danger in this situation a conference was held in Chicago between representatives of the expelled units and the left wing forces still in the party, and it was agreed to carry on the fight within the party for party control by the revolutionary membership until it had reached its logical climax in party convention. The expelled units were to keep themselves intact, ignore their expulsions and reenter the party at the first opportunity.

Within two weeks the Michigan-Russian federation coalition violated this joint agreement and began boosting for a separate party.

The question was again debated at the national left wing conference in New York, and again the majority decided to carry on the struggle within the party until the natural climax in convention. The Michigan-Russian convention call was turned down, and a motion by Fraina adopted, instructing the left wing council to "call a conference in Chicago for September 1 of all revolutionary elements willing to unite with a revolutionized Socialist Party or with a Communist Party organized by the left wing delegates seceding from the convention of the Socialist Party, to be held August 30."

The issue arose for a third time at the new N. E. C. meeting held in Chicago July 26. Fraina and Ruthenberg were again present, and again opposed the Russian-Michigan convention call. Again they agreed to carry on the fight within the party until the emergency convention. They voted specifically to instruct A. Wagenknecht, the executive secretary, to rent a separate hall for the emergency convention, to convene on August 30.

Within a week they flopped. The left wing national council, which had bitterly fought the Michigan-Russian coalition split, and by majority vote abjectly capitulated before the organized power of the central executive committee of the Russian federation.

As late as August 2, the following statement, signed by Ruthenberg and Fraina, appeared in the Revolutionary Age:

"Should the emergency convention rule in favor of the shameful acts of the present autocratic national executive committee, then the left wing delegates to this convention shall immediately organize a new Communist Party, representing the vast majority of the present Socialist Party."

Nothing there about going to the convention called by the "organization committee" of the Communist Party, but a provision was adopted to "include such federation groups as might want to join with the left wing on September 1." (Rev. Age, Aug. 2, page 6.)

Then the Revolutionary Age turned a somersault and began to play its financial masters' tune by abusing as "centrists" all those that did not join it in its flop.

IV. Those left wing delegates that were not keeled over the Russian federation machine carried the original program, three times agreed to in conference by Ruthenberg and Fraina, through to its logical conclusion at the emergency convention, and did all in their power to bring about unity between the two Communist groups.

We sent a committee of five to meet with the Communist Party organization committee even before the Communist Party convention began, but were merely told to wait.

Later the Communist convention, under the absolute control of the Russian federation machine, refused even to elect a committee to confer with us on unity. Then their English-speaking delegates went on strike and threatened to bolt, and the second day they condescended to elect a conference committee.

But they did not even consider uniting the two organizations. Their only answer to our invitation was that we might apply for admission to their convention as individuals, that their credentials committee would seat those that it approved as delegates, and that the rest of us would be permitted to occupy a special section in their convention hall to look on.

We did not demand that all our delegates should be seated. But we did insist that if we met in joint convention it should be on an equal basis of Communist comradeship. We suggested that the two conference committees should act as a joint credentials committee to go over the rosters of both conventions and see whether there were irreconcilable elements, leaving those

open for discussion. This fair offer was turned down by the Communist Party, and we were told again that we could only come to them as individuals giving them the absolute power to select only those that they pleased.

Our convention then elected a different committee, who personally invited the Communist convention to meet us informally in a joint session, where the rank and file of the two bodies could talk over the heads of their officials, discuss with each other the problem of getting together and avoid the crime of organizing two parties of Communism. This offer met with the same answer as the others.

When it became apparent that the officialdom of the Communist Party would succeed in preventing unity during the conventions, the Communist Labor Party convention adopted the following resolution:

"Be it resolved, That the Communist Labor Party issues a standing invitation to the Communist Party to meet, on a basis of equality, in unity conference, and

"That we instruct our national officials and committees to accept every such invitation from the Communist Party or from any other revolutionary working-class organization."

This motion was adopted without one dissenting voice. It expresses the official position of the Communist Labor Party on the question of unity to-day. We stand ready at any time, anywhere, to meet on an equal basis of comradeship. All that agree with us on the principles of communism, all that desire to affiliate with the third international, for the purpose of uniting all communist elements here in the United States into one powerful working-class party.

V. If there was any fundamental difference of principle between the Communist Party and the Communist Labor Party, then we would not favor unity of the two, for a lasting unity can be achieved only on the basis of agreement on fundamental principles.

That such agreement on principles is a fact will be evident to anyone that compares the platforms, programs, and manifestos of the two parties. Both conventions based their pronouncements squarely upon that of the Third International. Both are in accord with the left wing program of New York. Both are worthy expressions of the principles of international communism.

Because of this fundamental agreement some comrades make the mistake of assuming that the issues between them are merely questions of personality and ambitions of "leaders." If that were true, it would make but little difference which party wins the communist comrades to its ranks.

But there is a very serious difference between the two parties in their form of organization, a difference that must be thrashed out if the parties meet in unity conference, a difference that should be noted by every comrade before he joins either party.

The Communist Party is being organized as a federation of units that are almost entirely independent of each other. The Communist Labor Party is being organized as one homogeneous mass.

The Communist Party has copied from the old Socialist Party its form of autonomous foreign federations. Each federation is a practically independent unit. Federation branches pay dues direct to translators in Chicago. Once a month these translators turn over the party's share. They and their central executive committee have power at any time, by simply withholding the dues, to split their entire organization away from the party and smash the party to pieces. The Communist Party has within its very form of organization the seeds of its own destruction.

The Communist Labor Party has solved this problem by simply having the foreign-speaking branches pay their dues through the same channels as the English-speaking branches. They will thus learn to consider themselves as inseparable parts of the local and State organization instead of mere foreigners in a strange land. Our language federations will be encouraged in their work with a far more generous share of the dues than in the Communist Party, but their secretaries and executive committees will have no power to split them away from the party unless the membership itself demands it.

The Communist Party is developing an organization divided against itself on nationalistic lines. The Communist Labor Party is putting all foreign as well as American born, on an equal footing of comradeship within its ranks, on a basis of true internationalism.

A party organized like the Communist Party could hold together easily as long as it fought the reactionary Socialist Party officialdom. It may last while it contests with the Communist Labor Party for the affiliation of the Communist elements of the old party. But when its campaign settles down to the

steady grind of literature distribution and the humdrum task of winning members, one at a time, then the discordant elements within its ranks must inevitably assert themselves and bring about more splits, perhaps a final smash-up.

Why build a party on such a basis that a few leaders have the power at any time to tear down what you build? Especially when you know that some of these leaders frankly state that they believe the proper tactic is to bring about situation within the party that will result in split after split, so as to preserve a simon pure nucleus of "leaders" to rally the proletarian hosts on the morn of the revolution?

The Communist Labor Party does not follow this policy of "exclusion." It adopts a policy of inclusion, and holds that all that agree on fundamental principles should be kept united in one party. It places its reliance not so much on a nucleus of leaders as upon the development of clear vision among the great mass of its membership. It will exert itself to educate all its members and to hold and make proletarian warriors out of all that join it, unless they actually prove traitor to the working class.

The existence of two Communist parties is a crime. But it is far better to have two parties, one of which is being built upon a sound basis, so that it can live and grow, than to have only one party built on such a basis that it must surely die. Already signs of disintegration can be discerned in the Communist Party. They will become more evident as the weeks go by, unless the officials of the Communist Party see their error, come into unity conference with the Communist Labor Party, and adopt the form of organization that experience teaches to be necessary for a revolutionary working-class party.

VI. It is futile to try "boring from within" the Communist Party. Any member that joins that party with the idea of thereby forcing unity merely strengthens the position of the officialdom that is opposed to unity by paying his dues to them.

Only by refusing to pay dues until they agree to a unity conference can the membership of the Communist Party force their officials to act. Refuse to pay dues to the Communist Party officials. Adopt resolutions instructing them to unite with the Communist Labor Party. Threaten that you will bolt the Communist Party unless they accept the unity invitation before November 1. That is the way to get action. That is the road to unity.

Comrades not yet affiliated with either party can help to bring unity by joining at once the Communist Labor Party which demands unity and is doing all it can, without turning traitor to the membership, to make unity a fact.

If you agree with our platform and program, if you indorse the fundamental principles of communism, if you desire to clasp hands in Communist comradeship with the Bolsheviki and the Spartacans in the Third International, and if you believe that all comrades in this country that stand on these fundamentals should be in one party, then join the Communist Labor Party at once.

Join now, and help with the tremendous task that confronts us. Help develop the organization, help fashion the instruments with which to reach America's 30,000,000 wageworkers with the message of emancipation, and rally them to the banners of international communism to establish the world-wide workers republic.

To this task the Communist Labor Party calls you. Answer to-day, comrade!

Massachusetts.—Local Adams has pledged itself for unity between the two parties. Local Worcester is investigating. The largest Lettish branch in the United States, that in Boston, which was mainly instrumental in financing the Revolutionary Age, refuses to abide by the Communist Party constitution which provides that all language branches must join their language federation. The Boston Lettish branch is independent of the Lettish federation.

Colorado.—Send due stamps and supplies at your earliest convenience. (Lizabeth Williams, acting State secretary.)

New York.—In New York County and The Bronx we have 15 branches and in Kings County we have 10 branches with more to follow. (Edward Lindgren.)

Montana.—Butte is busy for the C. L. P. This city should and will have one of the largest C. L. P. locals.

A CALL TO YOU TO "UP AND DO."

We've laid away our Sunday suit and donned overalls.

We're going to forget about our Sunday suit until industrial democracy is with us. We're going to stay in overalls until we've made a clean-up.

We're going to clean up capitalism, not by reforming it. "Cleaning it up" to us means cleaning it out.

It has got to go. It's going to go. But it probably never would have gone had we continued our biannual, half-hearted, spasmodic, childish, election-day jabs at the monster.

Election-day jabs will continue, of course. But that's not all, nor half. We shall now be on the job every day of the year, schooling, training, assembling our forces, in the mine, mill, shop, and field; and political and industrial action henceforth is to be everyday's work. The class struggle is an everyday struggle and a revolutionary party must be active every day if it is to function as the workers' weapon in the struggle.

True enough. We have been rather culpable in the past. We thought that a handful of elected comrades could win us the new day by making a motion for it in the legislative halls. Most of these comrades never got as far as even a contemplation of a notion of such a motion. Many of them, the minute capitalism's retainers, found out that they could not be assimilated, were kicked out of the legislative halls. And now shall they stay "kicked out" until another election day rolls around? Shall the forward march of the workers be halted because the capitalist class has flung back into the faces of the workers comrades elected to political office?

We've had real pleasant moments in our election days' experiences. The slogan was—"Vote and it shall be given you." That was a little better than praying for it, but not much. We voted and then we waited. And we're waiting yet. We're still going to vote, but we're not going to wait any longer. There's a job for every one of us every day of the year and every Communist-Socialist will be found on the job from this time on.

Study the platform and program of the Communist Labor Party. It tells you what to do. And if we do what it commands us to do all together—then world is ours.

 ONCE MORE WE DEMAND UNITY.

The unity resolution which appears upon the first page was sent the Communist Party upon the second last day of its Chicago convention. The national officials of the Communist Party have not, to date, even shown the courtesy of an answer.

The following motion, made by Max Bedacht, is now before the national executive committee of the Communist Labor Party for its vote. Already a majority of this committee has voted in the affirmative upon it. As soon as voting upon this motion closes, the communication it embodies will be sent to the national office of the Communist Party.

National executive committee motion 3, made by Max Bedacht:

That the executive secretary of the Communist Labor Party be instructed to send the following invitation to the central executive committee of the Communist Party:

To the central executive committee, Communist Party:

DEAR COMRADES: The national executive committee of the Communist Labor Party invites the central executive committee of the Communist Party to meet with it on November 1, 1919, or as near to that date as possible, in Chicago or some other place agreed upon—

First. For an informal discussion of a basis for a formal unity conference and a mode of procedure for such a conference.

Second. If a basis is agreed upon, to then and there hold a unity conference.

In all sincerity we await your immediate and favorable answer, and remain for a united communist movement.

NATIONAL EXECUTIVE COMMITTEE, COMMUNIST LABOR PARTY.

Will the Communist Party officials deign to answer? Will the rank and file of the Communist Party permit their national officials to continue to ignore the demand for unity?

California: Local Jose has affiliated with the C. L. P. Local San Francisco meets to decide this question on October 15. It is fully expected that *The World*, the Oakland paper, circulation 10,000, will become one of the Communist Labor Party battery.

LOCALS ATTENTION.

No more orders for the convention edition of the Communist Labor Party News can be filled. The edition is exhausted. Orders for thousands more than we could fill came to hand. All orders on file will be filled by sending this edition.

Order a bundle: This issue of the Communist Labor Party News should be placed in the hands not only of every member of the C. L. P., but also of the C. P., the S. P., the S. L. P., the W. I. I. U., and the I. W. W.

We can not do that from here. That task is your task.

You can sell enough of them at meetings at a nickel each to pay for a widespread free distribution, if you order a bundle at once and get on the job.

Rates: One cent a copy.

Order enough to cover your cabbage patch.

Buy a charter stamp: Got a dollar? Buy a charter stamp. It will prove your charter membership in the Communist Labor Party. Your purchase of one will help pay for needed local, State, and national organization work. Got a dollar? Buy one!

New Jersey: We will, in a few days, organize a local in Essex County and then we intend building our State organization, for Hudson County is already organized. In Essex County two English branches will affiliate with us, many members of these branches being already with us.—L. F. Wolf. The largest Russian branch in the United States, that at Camden, has joined us.

COMMUNIST LABOR PARTY UNITED STATES OF AMERICA—WORKERS UNITE.

National Headquarters, 3207 Clark Avenue, Cleveland, Ohio. A. Wagenknecht, executive secretary.

National executive committee: Max Bedacht, California; Alexander Bilan, Ohio; Jack Carney, Minnesota; L. E. Katterfeld, Kansas; Edward Lindgren, New York. Alternates: L. K. England, Illinois; Edgar Owens, Illinois.

Labor committee: Chas. Baker, Ohio; L. K. England, Illinois; Benjamin Gitlow, New York; R. E. Richardson, Utah; Arne Swabeck, Washington.

International delegates: John Reed, New York; A. Wagenknecht, Ohio.

FORWARD, MARCH.

From Tampa to Chicago, from California to Rhode Island, the Communist Labor Party is gathering power in numbers to a degree entirely unexpected.

Entire State organizations are joining our ranks.

State conventions are being held in States where the party machinery is in control of the reactionaries.

Orders for dues stamps are reaching the 20,000 mark and the beginning has only been made.

Our success will be phenomenal when once we have established the party's machinery and our contemplated army of organizers takes the field.

We are winning and the victory against reactionary socialism is just as important as any victorious tussle with the capitalist class.

We have cleaned the weapon wherewith we intend to battle. The rust of moderate socialism, the dullness of pure parliamentarism has been washed away and we now stand forth bright and keen for the fray.

Comrades from all parts of the country are lending a hand in the initial work of establishing avenues of activity.

No time and energy is spared by these self-sacrificing revolutionists. New York is being welded into an intact and efficient battalion. New Jersey has leaped to the front in the last week and will be a stronghold of the Communist Labor Party. Oregon and Washington have officially affiliated. California has placed its dues stamp order. Ohio is lining up. Illinois has held its State con-

vention. Kansas and Missouri are organized for the party. And so we might go on to tell you the good news, but space forbids.

The Communist Labor Party is now an established organization. Let those who hate to see us grow die in their hate. Let the inspid criticism, the rag-tail arguments of all who find joy in childishly calling names go on and on. We are strengthened by it all, for only that which is feared is fought.

We shall build. We are in fact building. In a month the Communist Labor Party will be recognized as the virile, forceful party of communism in the United States.

Join us in our march forward and ever onward!

AFFILIATE.

Any branch, local, county, State, or federation of the old Socialist Party, the Communist Party or the Socialist Labor Party, indorsing the platform and program of the Communist Labor Party may affiliate with this party as an organization. Simply have the officers of your organization send notice of your vote to affiliate to the Communist Labor Party at once.

Should a majority of your organization be opposed to this, then all those members that indorse the principles of communist socialism should immediately organize anew as subdivisions of the Communist Labor Party and apply for a new charter or join as members at large.

If you have a Communist Labor Party State office, please send your application there.

If you do not know who the Communist Labor Party State secretary is, then mail to the national office, Communist Labor Party, 3207 Clark Avenue, Cleveland, Ohio.

Please decide definitely at your next meeting. Let's organize at once for the great task of rallying America's 30,000,000 wage workers to the banners of international communism.

RUSSIANS DECIDE FOR COMMUNIST LABOR PARTY.

The executive committee of the United Russian branches has decided to advise all affiliated organizations to join the Communist Labor Party. This will affiliate approximately 18 Russian branches with the C. L. P.

At a membership meeting of the five Russian branches of New York City, which are affiliated with the United Russian branch organization, it was unanimously decided to join the C. L. P.

The national committee of the German Socialist Federation voted 41 to 8 to join the Communist Labor Party.

At a general membership meeting we voted to affiliate with the C. L. P.—Mary E. Tichenor, St. Louis.

Things are booming in Rock Island, and Moline is also organized for the C. L. P.—Edgar Owens, down State secretary for Illinois.

MORE GOOD NEWS.

The Communist Labor Party seems to me to be the only one of the three parties that we can consistently support.—W. B. Dillon, New Mexico.

"Send me immediately 2,000 each of charter stamps, dues stamps, and dues cards."—Edward Lindgren, New York acting State secretary.

"Russian Federation branch 4, of Kings County, N. Y., voted 127 to 13 to join the Communist Labor Party."—Morris Zucker.

The first Russian communist branch of Chicago has applied for a charter in the Communist Labor Party.

We have the Scandinavian branch of Duluth and Local Duluth, 400 members, with the C. L. P.—Jack Carney.

The Italian branch of New York City, having withdrawn from its federation, intends organizing a Communist Labor Party Italian Federation.

BE A CHARTER MEMBER.

Read the platform and program of the Communist Labor Party published in this issue. If you can conscientiously indorse them and agree to abide by the party's constitution, then we invite you to sign this application at once

and turn it into the local or State office of the Communist Labor Party, or mail it to the national office, 3207 Clark Avenue, Cleveland, Ohio.

Sign this blank, and with us clasp hands in comradeship with the Bolsheviks and the Spartacans in the Third International.

(If you are already a member, use this and get a member.)

Application for membership Communist Labor Party:

"I, the undersigned, recognizing the class struggle between the capitalist class and the working class, and the necessity of the working class organizing itself politically and industrially for the purpose of establishing Communist socialism, hereby apply for membership in the Communist Labor Party. I have no relations (as member or supporter) with any other political party. I am opposed to any form of trading or fusing with any such organizations. In all my actions while a member of the Communist Labor Party I agree to be guided by the constitution and platform of that party."

Name, _____. Occupation, _____. Street address, _____. Initiation fee, \$1. City, _____. State, _____. Dues at 50 cents a month. Age, _____. Date, _____. Papers and literature, _____. Give name of your union, _____. Donations, _____. Proposed by, _____. Total, \$_____.

Where do you work?

PARTY NEWS.

Telegram: Rhode Island State convention voted by an overwhelming majority to affiliate with the Communist Labor Party.—J. P. Reid.

Local Kings, the largest left wing local in New York, and at one time the second largest local in the United States, decided to affiliate with the Communist Labor Party.

Telegram: Oregon affiliates, by vote of State convention, with the Communist Labor Party. Rush stamps and charter.—Cusack, secretary.

"We concur in the report and approve the action of our delegates to the national convention and indorse the Communist Labor Party, and we instruct our State secretary to transact all business with the national office of the C. L. P." Passed at the meeting of the State executive committee, Washington.

Harry D. Felton, for local Syracuse, N. Y., calls for leaflets for the steel strikers and writes: "In line with our program and policy we must now get on the job by going to the workers on the job."

Conditions in St. Louis are very favorable for a large C. L. P. local. Bellville comrades are also with us.—Max Bedacht, national organizer.

I do not intend to do organization work outside of Rock Island County, but depend upon me to see to it that we get a strong organization in this industrial center.—Perry Shipman, Rock Island, Ill.

Now that the German branches have affiliated with the C. L. P., we shall go to work to build up the English branches in New Jersey.—Louis F. Wolf.

Cincinnati, Youngstown, Toledo, Sandusky, and other of the larger locals in Ohio have affiliated with the C. L. P.

Inclosed I am handing you, on behalf of Mrs. Brown and myself, a check for \$30 for the general work of the Communist Labor Party.—Wm. M. Brown.

Local Denver decided with but five dissenting votes to join the Communist Labor Party. We have at the present time about 225 members in good standing.—H. Intenmann.

The local at Worcester, Mass., requests a C. L. P. speaker, together with a C. P. speaker, so that it may receive the information needed to decide its affiliation.

October 19 will be the date of the Texas State convention.

A New York telegram: Besides the branches already reported to you, the First and Second Russian branches, the Third, Fifth, Tenth, and Seventeenth A. D. branches, three German branches, have joined the C. L. P. in Manhattan. Also an organization has been formed in the Eighth A. D. In the Bronx the Third Russian branch, the German branch have joined us, and the Third and Fourth A. D. are organizing. The New Jersey First Russian branch has also joined us, as has the Newark Fort Lee branch.—Ben Gitlow.

The Pulaski County local of Arkansas has decided to align itself with the C. L. P.

"I am glad to report that we have organized a new county organization with about 13 branches. It is a good start. Send 500 dues stamps and sur

plies at once. As soon as we have had several county meetings we intend to organize surrounding territory."—Henry Petzolt, West Hoboken, N. J.

A mass convention of German branch party members in Chicago decided for the C. L. P.

Strong Communist Labor Party organizations have been formed in Missouri and Kansas. J. P. Cannon is the district secretary for these two States, including Nebraska. Cannon writes: "The first new Kansas local of the C. L. P. has been organized in Crawford County. Credit for this belongs to Comrades Creviston and Bloor."

Chicago has been organized for the C. L. P. Jas. Melsingher has been named special organizer.

Cleveland has been organized for the C. L. P. Most of the active members of the former Socialist Party local have joined.

Beatrice Sedgwick is doing splendid organization work for the party in Delaware.

James Dolsen is now organizing in California. State Secretary Taylor has sent his first order for dues stamps. He writes: "From now on you will hear good reports from me. You may rest assured that California will be solid behind the C. L. P."

Tampa, Fla., has been heard from. C. L. P., of course.

RUTHENBERG—WHAT CONSISTENCY.

Ruthenberg, at a very recent meeting of your Cleveland organization you sponsored and had adopted a resolution reading in part as follows: "That an Ohio State convention be held in which all former Ohio locals of the Socialist Party shall be entitled to the same representation they had in the State convention of June 28."

Ruthenberg, you know that a number of these "former Socialist Party locals" have reaffiliated with the Germer policed reactionary Socialist Party.

Ruthenberg, you and your fellow officials of the Communist Party claim it was a crime even to attend the emergency convention of the Socialist Party, and here you are calling a convention, in which you ally yourself with reactionary Socialist Party locals, in order to beat the Communist Labor Party.

Will your own Cleveland organization stand for this, Ruthenberg?

Will the national official of the Communist Party stand for it?

What consistency!

OHIO STANDS ITS GROUND.

The program and platform of the Communist Labor Party are so far above criticism that Communist Party officials do not attempt to attack them, but instead are wasting much paper and ink criticizing the Ohio State organization for continuing its municipal campaigns.

The Ohio State organization was the first political party in the United States to adopt a Communist platform, a uniform municipal Communist platform strictly in accord with the principles of International Communism, upon which every local in the State must make its campaign.

Upon this basis, nominations were made, tickets filed, and the educational campaign well started long before the national convention at which the party's name was changed.

It is unfortunate that the name can not be changed locally until after the election, and that the campaign must be conducted under the Socialist Party name. But that can not be helped.

In this tactic the Ohio Communist Labor Party has an illustrious predecessor. Even the bolsheviks of Russia carried on campaigns under the Menshevik name in order to defeat Mensheviks for election, and in order to be able to use the campaign for their educational propaganda.

Only petty peanut politicians, concerned with mere labels instead of principles, with phrases instead of facts, will raise this issue against the Ohio comrades.

Serene in the consciousness of keeping faith with the class-conscious workers, the Ohio State organization pursues its even course, and uses the present campaign to carry the message of working-class solidarity in the Communist international to the great working class of the State of Ohio.

A WORD OF CAUTION.

Avoid mud-slinging contests with Communist Party members. Remember that it is not negative vituperation but positive propaganda work that counts.

The great mass of the old membership will not join in the activities of any party as long as their principal activity is mutual recrimination.

The overwhelming majority of Jimmie Higginses want to make Communists out of the heathen. They will affiliate and work with that party that most earnestly applies itself to his task.

'Nuff said.

COMMUNIST LABOR PARTY PRESS.

This is an incomplete list of Communist Labor Party papers. Any paper owned by party organizations and indorsing the Communist Labor Party will be added to this list by notifying the national office. All Together, 3207 Clark Avenue, Cleveland, Ohio, monthly, 25 cents; Communist Labor Party News, weekly, 50 cents; bundle of 5 for 10 weeks, 50 cents; Ohio Socialist, 3207 Clark Avenue, Cleveland, Ohio, weekly, \$1; Oregon Party Bulletin, 131½ Second Street, Portland, Oreg., monthly, 25 cents; Party Bulder, Box 637 Everett, Wash., monthly, 25 cents; Truth, Room 191, Stack Building, Duluth, Minn., weekly, \$1.50; Volkszeitung (German), 15 Spruce Street, New York City, daily and weekly; Workers' World, Box 697, Kansas City, Mo., weekly, \$1.50.

MAKE A MEMBERSHIP ROLL.

Every member of the Communist Labor Party is to receive the weekly Communist Labor Party News direct by mail from the national office as soon as the membership rolls can be made up and second-class mailing rates secured.

So that this can be done as soon as possible, every local should immediately make up a complete list of all members, with correct addresses. Blanks will soon be furnished for sending them to the State and national office.

In the meantime every local should order a bundle of Communist Labor Party News for 10 weeks, so that the members will be sure to be informed of the important developments in the party ranks.

Bundle of 5 for 10 weeks, 50 cents.

Larger bundles, same rate.

Order at once.

INFORMATION WANTED.

Wouldn't you like a little information about the Russian federation of the Communist Party?

Wouldn't you like to see a financial report of all its money transactions for the past year?

Wouldn't you like to know how many dues stamps its translator secretary bought in the last five months?

Wouldn't you like to know how many of these dues stamps ever reached the branches?

Wouldn't you like to know just how many members of this federation carry dues cards?

Wouldn't you like to know how many of its boasted 12,000 members are only found "on paper"?

Wouldn't you like to know how much money the Russian federation contributed to the left wing cause before August 30?

Wouldn't you like to know what they ever did for the left wing movement, except pose as its dictators?

Wouldn't you like to know just when the Ukranian, Lithuanian, Polish, South Slavic, and Hungarian federations will wake up and demand that they be given full voice and vote in the management of their party?

EXHIBIT G.

HANDS OFF SOVIET RUSSIA!

The imperialists of the world are continuing their infamous armed intervention in Soviet Russia. The counter-revolutionary Czarist generals, backed up by allied troops, allied ammunition, and allied money continue shedding the blood of the Russian workers and devastating the territory of the proletarian Republic. Moreover, the Allies are tightening the iron ring of the blockade around Soviet Russia, thus dooming millions of women and children to unheard of misery, starvation, and disease.

All this is being done because the workers and peasants of Russia have cast off the yoke of exploitation and oppression and have devoted themselves to the task of reconstructing their life on such foundations as will eliminate all oppression of the poor by the rich, all exploitation of the toilers by the capitalists. This is why the capitalist countries, where all the power is concentrated in the hands of the big commercial and financial interests, are waging this predatory war against Soviet Russia. Defending their class in Russia they are thereby protecting their own interests, for they know that the example set by the Russian workers will inevitably be followed by the workers of their own countries.

Hence, America's participation in this war against Russia!

American troops are still on Russian territory, and American ammunition and money are still being used for the purpose of strangling the only proletarian Republic in the world.

America's intervention in Russia is frequently referred to as President Wilson's private war. This is correct only in so far as the formalities required for the waging of this war have not been complied with: It is being carried on without the consent of Congress. Yet, as a matter of fact, it is not altogether President Wilson's private war. It is rather the class war of the American plutocracy, the class war of the international money bags. American capital is vitally interested in crushing Soviet Russia and it does not stop at mere technicalities, even if it means the violation of laws of its own creation. In waging this war, President Wilson plays the part of the faithful servant of the American plutocracy.

American workers, you must realize this and bear it firmly in mind. You must know that every American soldier sailing for Russia, goes there to shed the blood of the Russian workers and peasants who are now engaged in a desperate struggle against the capitalists of the world—those brigands of the international highways. You must bear in mind that every rifle, every cannon, every machine gun which is being sent from the United States to Russia means death for the many Russian workers and peasants who are sacrificing themselves in order that the workers the world over may be liberated from the yoke of international capital.

Workers of America! It is not sufficient to know and to bear all this in mind—you must act accordingly. Your slogan must be: Not a soldier for war against Soviet Russia, not a cent, not a rifle to help wage this war.

This slogan has already been adopted by the British, French and Italian workers. In Great Britain, in France and in Italy the workers are refusing to load ships with ammunition and provisions destined for the foes of Soviet Russia. The soldiers are refusing to go to the Russian fronts!

American workers, you must follow their example! To every invitation to play the part of Cain toward your Russian brothers, to every request of the American Government to enlist for active service in Russia, or to load ships for the bloodstained Russian White Army, there must be one answer: "Hands off Soviet Russia."

THE COMMUNIST LABOR PARTY OF AMERICA.

EXHIBIT H.

[Communist Labor Party News, Nov. 7, 1919. Harlem headquarters, 1538 Madison Avenue.]

Workers of the world, unite! You have nothing to lose but your chains, and a world to gain!

The emancipation of the working class must be accomplished by the workers themselves!

Second anniversary Russian Soviet Republic, mass demonstration and celebration at Laurel Garden, One hundred and sixteenth Street, between Madison and Park Avenues, Friday, November 7, at 8 p. m.

Speakers: L. C. A. K. Marten, soviet ambassador to United States; Gregory Weinstein, editor Pravda; Ludwig Lore, editor Volkszeitung; James Larkin, Irish Transport Workers' Union; Benjamin Gitlow, Ella Reeves Bloor, I. A. Goldstein.

Admission free! Come in masses and celebrate the second year of the only workers' government in the world.

Long live the third international.

Long live the workers' Republic of Russia.

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 6, 1920.

The committee assembled at 10.30 o'clock a. m., Hon. Andrew J. Volstead (chairman) presiding.

The CHAIRMAN. Mr. Johnson, you may proceed with your statement.

STATEMENT OF HON. ALBERT JOHNSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON.

Mr. JOHNSON. Mr. Chairman, I am much interested in the efforts being made in both House and Senate to find a true definition of sedition, to make way for the enactment of laws for the punishment of sedition.

At the outset let me say that my few years of service in the House have convinced me that there is wisdom in numbers, and that the continued criticism of delay in Congress is not justified; that the Nation benefits by the passing of bills from a committee in one branch to a committee in another branch, thence to the Committee of the Whole House, and in reconsideration as in this case; I think that the handling of the particular subject of sedition is a case to prove the point. This is the most important subject in the United States to-day, and the one subject that will not down until it is settled.

I am in hopes that this committee will bring forth a bill defining sedition clearly and sharply, and willful incitement to sedition, and then let the bill stop. I do not think it is necessary to add paragraphs mentioning the circulation of newspapers and the discussion of free speech, or the like of that; for the reason that the people of the United States generally know what is sedition. I think they realize the necessity for a more accurate definition than we have in the present law.

I think the people will accept a broad definition of incitement to sedition; so that if I, as a newspaper publisher, write and print articles inciting to armed revolution, or to force and violence, I will be easily reached under a bill that you will bring forth.

The CHAIRMAN. How about organizations that advocate that sort of thing?

Mr. JOHNSON. I am afraid, Mr. Chairman, that the organizations which, to date, have rather openly preached violence will continue to do so secretly, if they can not do it openly, and always preaching up to the breaking point. That has been the trouble. But as it shall become more and more certain that aliens can not do that thing in

the United States, we shall have less trouble with our native born and naturalized "force and violence" fellows, and with true sedition legislation on our statutes, they will soon find it desirable to keep within bounds.

Your question, Mr. Chairman, leads me to say that I have been interested for years in trying to find the dividing line in the whole socialistic array. In my mind I can see a socialistic ladder. The feet of the ladder rest on the Marxian doctrines, and the sides are spliced with Bakuninism. In the mind of the socialist himself, the ladder reaches to dizzy heights—to Utopia, where neither brain nor brawn count.

To start climbing this ladder you must first of all be an internationalist. And what classes do we find on the rungs of the ladder, attempting to climb to the heights of Elysium. On the first rung we find the plain, common socialist, a simple working man, actually believing that he will find in socialism some relief for himself and his brother workingman—and in his hand is the red flag.

On the next rung you will find probably a man just out of college, a recent graduate with lots of ideas, not well defined; he plays at socialism.

On the rung of the ladder above that you will find your parlor socialists, many of them seeking notoriety, and many others belonging to classes whose needs in this life have been filled through the activities of their parents, and they talk socialism without knowing how it will work below, on the ground, or higher.

On the next highest rung you may find the commercial socialist—ah, yes; there are such, who find that it pays to write socialist books, and make socialist lectures. At last count one of these had written 101 books, and he is still in the prime of life.

And then on the next rung of the ladder you will find your I. W. W.'s, actually preaching the destruction of property, sabotage, and things like that—and that is where your trouble begins.

And above those on the socialistic ladder, you will find the communist; and on the top rung of all you will find the anarchist, who is not a socialist at all, but who has in his hand the same red flag that the man on the first rung of the ladder has; and the poor fellow on the first rung never seems to realize that the dime or the dollar that he contributes goes to the support of some enemy of the Government on the top rung of the ladder.

Where is the line between the preaching of sedition and the discussion of political rights? It is almost invisible. Every man on that latter wants a general strike; every man looks for, works for the overthrow of the present social condition. But there is a line of demarkation. That line is where they begin to preach the overthrow of the Government by force; when they call for assassination; for arms, for physical effort; for the destruction of life and property; for the violation of criminal statutes.

That is where sedition begins. If not, then our present laws concerning sedition are sufficient.

And I think, Mr. Chairman, that you will need a stiff bill which, while it will not attempt to deny the right of publications to the use of the mails, or abridge free speech, or ban free assemblage, will have in it a clause which will cover the willful incitement to sedition. Otherwise, the law that you have might cover every purpose.

I have here a chart taken from Pressendean's Study of American Syndicalism. This chart shows the labor organizations of a radical or socialistic type in the United States prior to the I. W. W., beginning in 1866, with the name of the labor union; and then there were breakings off from that, until in 1877 we find the Socialist Labor Party; and then there was a breaking off of that into the Detroit I. W. W., and then the Western Federation of Miners branch; the chart shows how that organization broke off at different times, and the indications are that the branches were always quarreling among themselves about just how far they will go in preaching the destruction of property and trying to teach and preach revolution.

We have been conversant for a long time with so many of these divided lines of activity that many of us have said, "What does it amount to? They are small in number, and they are always dividing off and breaking off, and can never become dangerous."

But the situation finally comes around to the point, as we have it in many parts of our State of Washington now, where there is absolutely no middle ground, no place for debate. I think every man and woman out there is in one camp or the other—the conservative camp or the radical camp—and that means a bad condition which must be met, so long as there are a few extremely radical and dangerous leaders who preach, in season and out of season, the overthrow of this Government, and who say continually that nothing can be accomplished except by force and direct action.

Mr. Chairman, let me call attention to the fact that deportations are not made in the same way as convictions under this or any other criminal law. The public is inclined to confuse the two processes. Deportation does not imply punishment; it is not the result of a trial, except a mere hearing. Deportations are for the good of this Government, and are made according to hard and fast rules concerning his admission which he violates when he does certain things. For instance, an alien admits that he is an anarchist. The law says that anarchists shall be deported. Therefore it does not make any difference what kind of an anarchist he is—philosophical, Bakunin, or otherwise, he must be deported. But if he is a citizen he must commit the overt act.

But in my opinion when we make sure that we can deport from the United States every alien who comes here and tries to preach revolution and teach it, write it, advocate it, and at the same time make sure that no native-born or naturalized person in the United States shall preach actual sedition, without a pretty sure chance of his arrest and trial, the disturbances in the United States will quickly right themselves; because we will admit, of course, that up to a certain rung of the ladder which I have described, all of these socialists are entitled to their views as political views. No matter how foolish those views may seem to many of us, they are entitled to them.

I shall take one concrete case of which I have full knowledge. Let us not say for the present whether the man is an alien or a citizen. Let us consider what happens to him if he is an alien and what does not happen to him if he is a citizen.

This man in Boston recently had a meeting and called upon those in his hearing for direct action and every kind of violence for the

overthrow of the Government and the destruction of property. "Wipe out every evidence of the ownership of property," he said. "We get nowhere by moving politically; we must act. It may seem to you that we do not act with sufficient rapidity and why don't we move faster. Because we are met by policemen, and each policeman is armed. Each policeman with his revolver is equal to 15 or 20 of us, but the time will soon change when every one of us will be equal in force to that policeman." Thereupon this communist official proceeded to collect an assessment from his followers for the purchase of revolvers.

What happens to such a man if he is an alien? He is subject to deportation on his failure to prove that he did not make such a statement. But if he is a naturalized citizen (which he was) what can you charge him with? Can you prove sedition? Have you any law under which you can charge him with incitement to sedition? Even if those dupes only go so far with their revolvers as to await some strike in Boston, when they may loot and riot, shall we permit that same preachment? Can such a man stand on the right of free speech in the United States of America?

Now, if that man had advocated the burning of factories or the destruction of machinery he could have been prosecuted under the State antisabotage or criminal syndicalism law. But what law has the Nation to reach him and his crime?

Mr. IGOE. May I ask you a question? You stated that the people in your State, or your section, were divided into two groups.

Mr. JOHNSON. Yes.

Mr. IGOE. And there was no middle ground?

Mr. JOHNSON. I do not find any middle ground.

Mr. IGOE. May I ask you how they stand numerically? Have you any idea as to that?

Mr. JOHNSON. I will say this, that in the great city of Seattle, a city with probably 400,000 people, a school election was held six or seven weeks ago, at which election the radical element of the city put forward for school directors three well-known radicals, one being James Duncan, president, I think, of the city labor council, the central labor body—and many of the labor bodies there seem to have departed from the Samuel Gompers influence—and to have become extremely radical. They put up Duncan for the school board; also two others, and they were defeated by only about 4,000 votes, I believe. However, the spirit of indifference or carelessness that has affected all of us caused several thousands of the nonorganized, nonradicals, to remain away from the polls. That election is about to be followed by a city election, at which this James Duncan will run for mayor; and the issue is clearly drawn, as I have said, and everybody is in one camp or the other.

Mr. IGOE. Do I understand you correctly to mean that the people who are associated or affiliated with this Duncan faction are people whom you would like to reach by legislation of the kind we have under consideration?

Mr. JOHNSON. Oh, by no means. Only those in that faction who persist in calling on the people of the United States to act with force and violence against this Government. That is why I have just said that with this "direct action," "force and violence" element obliged to obey the law the situation becomes political. If the

people desire to divide into "radical" and "conservative," or "liberal" and "conservative," they have a perfect right to do so. In fact, I look to see such a division quite widespread in the United States. And thus will the proposed, so-called "revolution" fade. Let them have free speech and right of assemblage, but not for advocating actual sedition. In fact, the willful advocacy of sedition should be on all fours with sedition. I think everyone believes that; but we haven't a Federal law that clearly says so.

Mr. IGOE. Well, I understood you to say that things of that character should be reached because there was not any middle ground?

Mr. JOHNSON. No; I am sorry I did not make myself quite clear. I said the result of our failure to have laws to punish those who clearly go beyond any possible right of freedom of speech, or of the press, has led to the condition where all of us must, by the very nature of things, be in one camp or the other, and we should not have in either camp anyone who would destroy the Government.

Mr. IGOE. Have you had any prosecutions under the State law?

Mr. JOHNSON. Yes; we have had prosecutions under the State law with success. We found it necessary to describe some of these new crimes under State law, such as sabotage, etc., and that has helped the situation.

Mr. IGOE. Have those statutes been inserted in the record of our hearings?

Mr. JOHNSON. I am sorry to say that I have read only a few of the hearings of this committee. But we have collected in the hearings of the Committee on Immigration, in which this very subject came up in so far as it relates to aliens, all of the statutes of the States, and I will be very glad to distribute those among the members of this committee.

Mr. SUMNERS. May I ask you a question? I want to know whether you care to express an opinion as to what percentage of those radicals believe in the exercise of force to bring about what they deem to be necessary reforms, and what percentage of this difficulty, if you may so describe it, arises from the influence of foreigners who could be reached by deportation, and what percentage comes from our domestic population?

Mr. JOHNSON. Well, I can not answer that; I can not give the numbers. A few dangerous foreigners are bold leaders; others are the merest dupes.

That is what is happening: Leaders of the ultra radical associations, groups, or communes are signing up the alien dupes—getting them to sign in writing manifestos which advocate the overthrow of the Government by force. The dupe signs the manifesto. If he is an alien he is deportable. Mind you, that applies to aliens. No matter if he was told that he was joining a political party who proposed to pave the way for him to better himself in the United States. He has failed to observe our rule and must go. With the naturalized citizen or the native-born citizen, it is different. I need not go into details.

This is also happening: These ultra radical associations are, just as fast as they can, eliminating certain dangerous, vicious statements from their constitutions and manifestoes. They know just as well as we know what is clearly illegal. They see what is coming; and hence in the revised song book, and in the revised platform

of the I. W. W., they are trying to cut out enough to evade the law, but they keep as close to the border as they can.

Mr. SUMNERS. Are they cutting it out of their hearts, or merely cutting it out of their printed matter?

Mr. JOHNSON. They are only cutting it out of their printed matter; it is still in their hearts. But if we look upon it entirely as a political matter, we will have to let this division into two camps come, as it has come in parts of the State of Washington.

One word more as to the alien danger: I have contended for years that the American Federation of Labor made the mistake of its life when it allowed aliens to come into the unions, because that gave the opportunity to the alien to vote in the union, and thus gave him a power that he would not have had otherwise by his inability to vote in the United States. And the American Federation of Labor temporized not only with that foreign element but with the ultra radical, revolutionary element, to the point that they excused membership—

Mr. SUMNERS (interposing). Let me interrupt you a moment; you are from out West, where they have had this experience. What part of our difficulty, from your observation, is imported and what part of it developed in this country?

Mr. JOHNSON. That is very hard to say, because the whole base frame of socialism and communism is imported. All the Socialists that are well up the line look forward to the time, as they state, when the whole element of internationals all over the world will form together and bring about a great strike.

Mr. SUMNER. I mean in your own State, how many are foreigners?

Mr. JOHNSON. In my State the foreign-born number is about 25 per cent. The percentage of actual aliens is less. A great many of our naturalized citizens hate this red-flag stuff. But among the laborers the alien membership is heavy. Whenever a strike occurs, the I. W. W. leaders go among the Greeks and Finns and take them into membership; and while they are letting others in with the payment of no fee whatever, during a strike they will charge the Greeks \$20 apiece if they can get it; they do not care anything about the principle. At least they have done that thing to my knowledge.

Take my particular district, where a great criminal trial is now in progress, the case in which certain I. W. W. members are charged with the Centralia assassinations; it was with the greatest difficulty that an agreement was made as to some place of trial where a fair trial might be had. There are 250 or 300 witnesses in the case; and the labor unions have sent private juries to observe the case and report to the unions as to what kind of trial was being conducted; the American Legion has sent ex-soldiers from all over the State, in uniform; and the I. W. W. has stationed mobs in the near-by towns; and there will be all of this excitement around there while this trial is going on which will run for many weeks.

Mr. IOOE. Let me ask you a question: You say you have had sedition laws and laws passed against those radicals in the State of Washington within the last few years?

Mr. JOHNSON. Yes.

Mr. IOOE. Did you have any in years past?

Mr. JOHNSON. We undertook about five years ago to pass a syndicalist law.

Mr. IGOE. That was the first one?

Mr. JOHNSON. Yes; that was vetoed by the governor; and then the governor died—or I think the law was passed over his veto; and it has only been a law for about two years.

Mr. IGOE. Prior to that time, did you have any effective law on the subject?

Mr. JOHNSON. We had no effective law.

Mr. IGOE. Did you have any law at all on the subject?

Mr. JOHNSON. I can not say, but certainly we did not have an effective law. But before that we tried under the Federal statute to convict some of these fellows.

Mr. IGOE. What I want to know is whether the passage of this law has had any beneficial effect?

Mr. JOHNSON. Yes; I am sure of it. Of course, out there in the timber country this thing became an issue 10 or 12 years ago.

Mr. IGOE. One of the contentions is that the passage of a law like this would do more harm than good, and I was trying to get at the effect of the law you passed on the subject.

Mr. JOHNSON. It will be good, provided you don't go too far. Make the law firm but not repressive of any right. That is the appeal that I am trying to make. I think our law has been effective. I am very sure that the Oregon law has been effective. And I feel perfectly sure that the passage of a Federal law, just making a certain definition of sedition, and also the incitement to sedition, will be effective, and that no one can deny that the United States should have such a law. Let the radicals turn into liberals and they will be glad we have such a law. Then they can print and talk and say anything they want to; advocate anything they wish except sedition or actual incitement to sedition.

Further, in this proposed law why should we be afraid to use the word "sedition" because it is unpleasant? We want it to be unpleasant; we want it to be a heinous crime. If the issue is coming, it has to come, and if you want to make sure that you have not criminals in your great political body trying to pretend that they are acting in a political sense you should pass a law whereby the political fight must be made with the criminals out of it.

I intended to discuss the Hadley bill, advocating a sharp modification of it in detail, but what I have said will indicate my views and I hope point the way.

I conclude by affirming that the Graham bill will not do at all; it overreaches all that is necessary. The Davey bill now before you goes too far; also its sections concerning aliens are not necessary, and are impracticable. You can not well denaturalize a man after he has renounced allegiance to some foreign country and then make that country take him back. That country will say, "No; he renounced us; he swore allegiance to you; he learned his sedition of you; he is not our citizen now, and we can't take him."

Gentlemen, I thank you for your attention.

Mr. RAKER. Mr. Chairman, I will not take up any of the time of the committee now; but at some time convenient to the committee before you close these hearings, I would like to present the situation as to syndicalism law that is upon the statute books of California, and to show how it has operated and the splendid results that are

being obtained, and also to make some general observations to the committee upon this bill:

The CHAIRMAN. We will be glad to give you the opportunity.

Mr. DAVEY. Mr. Chairman, I desire to say a few words in introduction of Mr. Newton, attorney general of New York.

I want to say that I have been tremendously impressed by the work of the Lusk investigating committee in New York; and I urged upon Gen. Newton to come down here, because of his close and intimate knowledge of the situation growing out of the Lusk investigation. He has some things of great interest and importance to present, and he will present them now.

STATEMENT OF HON. CHAS. D. NEWTON, ATTORNEY GENERAL OF THE STATE OF NEW YORK.

Mr. NEWTON. Mr. Chairman and gentlemen of the committee, I would very much prefer to have such questions asked of me as I may be able to answer. However, if you want me to talk a little about the Lusk investigating committee and some of the things that we have discovered, I should be glad to do that. I do not know just what your procedure is.

The CHAIRMAN. Well, the committee probably will be glad to have you make a general statement, and then the members will probably proceed to ask you questions, if they care to do so.

Mr. NEWTON. The Lusk committee was appointed by the Legislature of the State of New York for the purpose of investigating seditious activities and radicalism in the State of New York, and to determine if there was such a thing as an organized effort on the part of any class or number of men to overthrow the Government by force and violence.

Contrary to the general custom, as attorney general I was asked to be counsel to the committee; it is not a duty that is imposed upon the attorney general to thus act. In fact, in our State those committees generally go out and hire a good lawyer and pay him \$25,000 or \$50,000 for his services. And, of course, it goes without saying that the labor that I have given to the committee has been without any compensation, except my salary.

I am frank to admit to the committee that in May, when this Lusk committee was appointed and organized, had I been advised or told that there was any great number of people organized for the purpose of overthrowing this Government by force and violence, I would rather have laughed at the idea.

I had been brought up in the country, living in a peaceful and quiet section of the State, quite removed from the great cities, where I have since discovered that the greater portion of this radicalism exists. I would have admitted, probably, that there was now and then some "cracked pot" standing on a soap box on the corner who had in his mind (and a disordered mind, at that, probably) some well-defined notion that he had power enough to overthrow this Government by force and violence.

But if I had been told that there was any great proportion of men or of organizations engaged in such business I would have doubted it. And you will pardon me if I suggest that my attitude, coming

as I did, from that section of the country, is now the attitude of a large class of people who have not had the opportunity to investigate and know and study what I have since come to believe is a serious situation.

In that investigation we examined a very great number of witnesses. I believe I have sent to Representative Davey all of the testimony, excepting the last few hearings that were held up-State, at Buffalo, Rochester, and Utica; and I am going to leave with him this volume [indicating] of those hearings, because, to my mind, they contain much of interest in the way of testimony from witnesses which shows concrete examples, concrete efforts, on the part of these organizations to overthrow this Government by force and violence.

We have in the State of New York a statute known as the "Criminal Anarchy Statute." I have brought over a typewritten copy of that statute; and if it is the desire of the committee I shall be glad to leave it with the committee.

The CHAIRMAN. We will be glad to have it inserted in the record as part of your remarks.

(The statute referred to is as follows:)

PENAL LAW—ANARCHY.

Sec. 160. *Criminal anarchy defined.*—Criminal anarchy is the doctrine that organized government should be overthrown by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means. The advocacy of such doctrine either by word of mouth or writing is a felony.

Sec. 161. *Advocacy of criminal anarchy.*—Any person who—

1. By word of mouth or writing advocates, advises, or teaches the duty, necessity, or propriety of overthrowing or overturning organized government by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means; or,

2. Prints, publishes, edits, issues, or knowingly circulates, sells, distributes, or publicly displays any book, paper, document, or written or printed matter in any form, containing or advocating, advising or teaching the doctrine that organized government should be overthrown by force, violence, or any unlawful means; or,

3. Openly, willfully, and deliberately justifies by word of mouth or writing the assassination or unlawful killing or assaulting of any executive or other officer of the United States or of any State or of any civilized nation having an organized government because of his official character, or any other crime, with intent to teach, spread, or advocate the propriety of the doctrines of criminal anarchy; or,

4. Organizes or helps to organize or becomes a member of or voluntarily assembles with any society, group, or assembly of persons formed to teach or advocates such doctrine, is guilty of a felony and punishable by imprisonment for not more than 10 years, or by a fine of not more than \$5,000, or both.

Sec. 162. *Assemblages of anarchists.*—Whenever two or more persons assemble for the purpose of advocating or teaching the doctrines of criminal anarchy, as defined in section 160, such an assembly is unlawful, and every person voluntarily participating therein by his presence, aid, or instigation, is guilty of a felony and punishable by imprisonment for not more than 10 years, or by a fine of more than \$5,000, or both.

Sec. 163. *Permitting premises to be used for assemblages of anarchists.*—The owner, agent, superintendent, janitor, caretaker, or occupant of any place, building, or room, who willfully and knowingly permits therein any assemblage of persons prohibited by section 162, or who, after notification that the premises are so used, permits such use to be continued, is guilty of a misdemeanor, and punishable by imprisonment for not more than two years, or by a fine of not more than \$2,000, or both.

Sec. 164. *Liability of editors and others.*—Every editor or proprietor of a book, newspaper, or serial, and every manager of a partnership or incorpo-

rated association by which a book, newspaper, or serial is issued, is chargeable with the publication of any matter contained in such book, newspaper, or serial. But in every prosecution therefor, the defendant may show in his defense that the matter complained of was published without his knowledge or fault and against his wishes, by another who had no authority from him to make the publication and whose act was discovered by him as soon as known.

Sec. 165. *Leaving State with intent to elude provisions of this article.*—A person who leaves the State, with intent to elude any provision of this article or to commit any act without the State, which is prohibited by this article, or who, being a resident of this State, does any act without the State, which would be punishable by the provisions of this article if committed within the State, is guilty of the same offense and subject to the same punishment, as if the act had been committed within this State.

Sec. 166. *Witnesses' privilege.*—No person shall be excused from giving evidence upon an investigation or prosecution for any of the offenses specified in this article upon the ground that the evidence might tend to convict him of a crime. But such evidence shall not be received against him upon any criminal proceeding.

Mr. NEWTON. This statute has been used recently in New York with a good deal of success. The statute was passed by the State of New York shortly following the assassination of President McKinley; and was suggested by reason of the fact that at that time there was no law in the State of New York which would meet the situation of organized violence, or organized effort to overthrow the Government, or no law against the teaching of such a doctrine.

In New York we secured several indictments under this statute. There have been three or four trials, resulting in convictions. No one tried so far has been acquitted who has been indicted by the extraordinary grand jury that was called at the request of the district attorney of New York and myself—a joint request on Gov. Smith. The governor gave us the extraordinary grand jury, with Justice Weeks presiding; and they have been operating since last August.

Yesterday, we obtained the conviction of Benjamin Gitlow, who was a former member of the Assembly of New York; he was elected on the socialist ticket and had become a communist; and he published the manifesto of the Communist Party. He was well defended, I have no doubt, no less a personage defending him than Clarence Darrow. The jury, I understand, was out a little more than an hour, and brought in a verdict of guilty yesterday.

I would like to call attention to the fact that section 163 of the Criminal Anarchy statute goes so far as to make a person who knowingly permits his premises to be used for the assemblage of anarchists or these radical organizations, guilty of a crime.

Mr. GARD. Will you permit a question at this time?

Mr. NEWTON. Yes.

Mr. GARD. Has not that same section been introduced in two bills in Congress, one by Mr. Husted and one by Mr. Siegel?

Mr. NEWTON. I have had no opportunity to examine any of those bills.

Mr. GARD. Did you include that in your bill, Mr. Husted?

Mr. HUSTED. Yes.

Mr. GARD. There are about 12 or 14 bills on the subject and my understanding was that that section was introduced in their respective bills by Mr. Husted and Mr. Siegel, who are both members of the New York bar.

Mr. NEWTON. Yes; I was speaking of that more especially to show that thereunder convictions could be had in the State courts for a

violation of these statutes. And if I am correctly informed, this criminal anarchy statute of the State of New York, up until the war started, at any rate, was the only statute of any State that went to the length that this does to protect the public.

Mr. GARD. Well, is it your idea that this statute takes care of all cases which arise—cases of sedition bordering on treason which arise in the State of New York?

Mr. NEWTON. I think that under this statute prosecutions could be had, probably, in cases where it was needed, although—

Mr. GARD (interposing). Your judgment is that the law is effective?

Mr. NEWTON. My judgment is that the law is effective, like all other laws, when it is properly—

Mr. GARD (interposing). Administered?

Mr. NEWTON. Administered.

Mr. GARD. That is true; that is the test of all laws.

Mr. SUMNERS. I would like to ask you this question, if it would not interrupt you: It seems to me that there are two very important matters involved in this. One, of course, is the danger to the public peace which arises out of agitation by men who claim it is right to change our form of government or overthrow it by the exercise of violence, and then there is the influence upon public opinion of these agitations which would make public opinion unfair to just claims for proper reformation and improvement on the part of a large class of American people.

Now, to what extent, under your observation, is public opinion influenced by these radical agitations against a fair consideration of the just claims of workmen and other men for relief from conditions which may, in fact, be unjust?

Mr. NEWTON. Well, I do not think it is yet, because my observation is that the general public have not very much idea so far of the seriousness of the situation that confronts us. Now, there might come a time when we would be so aroused, if everybody knew the length to which this radical element seeks to go, that a suspicion that one was guilty would be enough. That, of course, I would abhor. I believe every man should be—

Mr. SUMNERS. What I have in mind is this: We have, I think, in my State a very definite expression of public opinion, and I think it is influenced a great deal by these radical agitations to take an antagonistic attitude to what we ordinarily know as organized labor as a body; and I was wondering whether a similar condition had come under your observation, or if you had sufficiently observed it to express an opinion in regard to that tendency in the country with which you are in close contact?

Mr. NEWTON. No; I think there is a gulf between these radicals and communists who seek to overthrow this Government by force and violence and the decent element of organized labor that is so wide that you can not see across it.

Mr. SUMNERS. The point is, what does the general public think about them? That is what I am trying to get at, if you have had any observation of that?

Mr. NEWTON. Well, my observation, in connection with the Lusk committee has been, that organized labor, as I understand organized

labor, the elements of organized labor who believe in protecting the working man and who believe in a fair day's wage for a fair day's work, are all opposed to radicalism.

Mr. SUMNERS. You do not get my meaning yet. I am trying to find out what effect upon public opinion with regard to the just claims of these laboring men these radical agitations have, so far as your observation goes?

Mr. NEWTON. I was just about to state that.

Mr. SUMNERS. I beg your pardon.

Mr. NEWTON. I was going to add that, that being so, the people generally—well; not everybody; I do not want to say that organized labor has been unjustly dealt with always; I do not think it has; but the fact that the people, generally, realize the effort that organized labor is making to put down radicalism—and they are doing it as much every day as any other one organization—is making friends for organized labor every day.

Mr. HUSTED. Is it not true that organized labor has been assisting in this prosecution?

Mr. NEWTON. Absolutely. There are two elements, if I may be pardoned for stating it, who have done more to assist us, to meet the conditions and unearth the direct action of the radicals than any other two. One is organized labor, the better elements of organized labor as headed by Mr. Gompers and Mr. Freney and his officers, and the other is the Catholic Church—and I am not a Catholic. But I think that credit should be given them, because they, or many men prominent in that church, have given us every assistance. And all of what I called organized labor, and thought of and understood to be organized labor, the labor organizations that were interested in protecting their members, getting better working conditions, better pay and better hours—those people are as bitterly opposed to radicalism as any other organization that I know of.

Mr. SUMNERS. And the public in your section of the country understand and appreciate that fact, do they?

Mr. NEWTON. I think they do.

Mr. SUMNERS. That is what I wanted to get at.

Mr. NEWTON. I think they do. And while I am on that subject, let me say that in the manifestoes of the communists and other radicals they show themselves that organized labor is their greatest enemy, because organized labor advocates a fair day's work for a fair day's wage, and the radical element take the position that they must do away with the wage system entirely.

Mr. GOODYKOONTZ. What has been the attitude of the New York press on this subject—the newspapers generally up there?

Mr. NEWTON. Well, I think the newspapers as a class have been very favorably inclined to the Lusk investigation. There are some other investigations in our State that they are not so kindly disposed to [laughter]. But as to the Lusk investigation, as distinguished from any other investigation up there, I have found that they are very friendly towards it and that their comments, in the main, have been favorable.

Mr. GOODYKOONTZ. Some of them have been criticizing the Attorney General and the Department of Labor for deporting some of those fellows.

Mr. NEWTON. Some of the New York papers? Well, I would like to be in the position, as attorney general of New York, to get some of that kind of criticism.

Mr. GOODYKOONTZ. I am glad to hear you say that.

Mr. WALSH. Do you care to say how many people there are in the State of New York who are organized with the idea of overthrowing the Government by force and violence?

Mr. NEWTON. I think it is safe to say that, in the city of New York alone, there are between 300,000 and 500,000.

Mr. IOOE. Then the statute has not been very effective in preventing the development of that?

Mr. NEWTON. Well, we got an extraordinary grand jury, and the first investigation was in September last—

Mr. WALSH (interposing). Now, that is to overthrow this Government; they are organized to overthrow this Government?

Mr. NEWTON. All governments; all "capitalistic" governments.

Mr. WALSH. How well equipped are they to do that? Have they got any arms or ammunition?

Mr. NEWTON. I have not found any.

In answer to the suggestion of the Congressman that we have not been very efficient over there with this statute, I think it is safe to say that no one, up until this past summer, realized to any degree the seriousness of the situation.

Mr. IOOE. May I ask this: I presume that these people that you speak of belong to societies or parties—for instance, the Communist Party?

Mr. NEWTON. The Communist Party.

Mr. IOOE. You include that in your list?

Mr. NEWTON. Yes.

Mr. IOOE. Do the members of that party, the rank and file, know and understand, in your opinion, the purpose of the organization, that purpose being to actually overthrow the Government by force and violence?

Mr. NEWTON. They certify over their signature when they sign their card that they have read the manifesto of the Communist Party, that they know what is in it, and that they adopt it without any quibble at all. And the manifesto of the Communist Party in words advocates the overthrow of all capitalist governments by force and violence, if necessary.

Mr. IOOE. Will you put in your statement the particular clause of that manifesto which does that?

Mr. NEWTON. I think I have it here.

Mr. IOOE. You need not stop to do it now; you may insert it at this point in the record later on. It might be interesting to have that particular clause put in your statement.

(The extract referred to is as follows:)

Sec. 2. Applicants for membership shall sign an application card reading as follows:

The undersigned, after having read the constitution and program of the Communist Party, declares his adherence to the principles and tactics of the party and the Communist International agrees to submit to the discipline of the party as stated in its constitution, and pledges himself to engage actively in its work.

Mr. NEWTON. I have no set speech to make.

Mr. HUSTED. Have you not, in the various headquarters in the city of New York, unearthed tons of literature advocating the destruction of the Government by force and violence?

Mr. NEWTON. Yes; in different forms, all leading to the same end. I have here [indicating] the manifesto and program, pamphlet No. 1, of the constitution and reports of the Communist International, which was adopted in Chicago, I think, in September last, and I would like to leave that with the committee.

There was prepared in my office and under my direction a digest of the left-wing manifesto and an article entitled "Communist Party," which appeared in the "Revolutionary Age." That is a radical newspaper published in New York, and Benjamin Gitlow, who was convicted yesterday, was one of the editors of it. This was published on July 5 and July 19 last.

Mr. WALSH. What punishment is Gitlow liable to?

Mr. NEWTON. Ten years is the maximum penalty.

Mr. IGOE. And in his address to the jury I think I read the other day that he almost invited conviction—that he did invite it?

Mr. NEWTON. Well, if he did he was accommodated, at any rate; the verdict of the jury was against him. I do not know whether you gentlemen would be interested in it, but I have here a copy of the remarks of Judge Weeks upon the rendering of a verdict, complimenting the jury upon the good work they had done in the case. Perhaps you have seen that?

Mr. GARD. I have not seen it.

Mr. WALSH. Mr. Newton, you stated that you estimated that there were from 300,000 to 500,000 of these people in the city of New York. How many would you estimate there are outside of the city but within the limits of the State—if you care to make such an estimate?

Mr. NEWTON. Well, it would be only a guess. We raided the radical headquarters in the city of Buffalo. You must understand that the communist party did not come into existence until last September. There was sometime in October a branch of this party organized and a charter given to a local, as they call it, in Buffalo. Our raid was in December, about Christmas time, and my information is that they found something over 400 cards in that short time in the city of Buffalo.

Mr. IGOE. Cards of members, do you mean, who had signed them?

Mr. NEWTON. Members; yes. And the district attorney of Erie County has indicted some 50 or 60.

Mr. IGOE. Would membership alone in that constitute a violation of the law?

Mr. NEWTON. Justice McAdoo, of New York, has so held in an opinion. And the decision in the Gitlow case is so interesting that I am going to ask permission to leave that with the committee. I will read some extracts of it before I finish.

Mr. SUMMERS. Can you give the committee any idea as to what percentage of these 300,000 or 400,000 people are native-born, and what percentage immigrated to this country comparatively recently? And in that connection, can you give us any information as to whether or not a part of this drifting away has resulted from the fact that those people have been to a degree isolated from the in-

fluences of ordinary American life and ideals—that the people of that section have failed to give them a notion of the kind of Government we are trying to have over here; and that by reason of their isolation and society's failure in that regard, they become pretty easy victims to the radical agitators?

Mr. NEWTON. My observation is that they are largely foreign; it is largely a foreign element, and largely an alien element.

But that leads me to one suggestion that I want to leave with this committee before I go away: I may be entirely wrong about it; but I think the man who has become a citizen, and who by education and training knows something of our institutions and laws, who goes out working with this ignorant class to get them to assist in the overthrow of this Government by force and violence, is a more dangerous man than the foreign element.

Mr. SUMMERS. Yes.

Mr. NEWTON. And I want some committee to listen long enough to make it possible by statute to revoke citizenship papers for disloyal acts and disloyal utterances.

Mr. GARD. That would not affect the native-born citizen, however?

Mr. NEWTON. No; because of course the native-born citizen does not have citizenship papers.

Mr. GARD. What is your idea of the proper remedy for the removal of this desire for a revolution by force and violence in the minds of those 300,000 or 500,000 people in the city of New York?

Mr. NEWTON. I do not think I quite understood your question. I was thinking at the moment of another question that I had not yet answered. Will you let me hear that question again?

The CHAIRMAN. Just before you do that, because it would be going off on another subject, let us ask one question.

Mr. GARD. Certainly.

The CHAIRMAN. Is there any power in the Government to cancel the certificate of citizenship? The Constitution, as I remember it, provides that a person who has been born or naturalized in this country is a citizen. Can we by statute repeal the citizenship?

Mr. NEWTON. Of course, you are asking me a legal question; and I do not claim to be much of a lawyer. I should regret if, by fraud—

The CHAIRMAN (interposing). Well, if it was for fraud in obtaining citizenship, it has been suggested that it could be repealed.

Mr. NEWTON. I think it has been so held. Now, I think that when a man with a mental reservation takes an oath to support the Constitution of the United States when he knows in his heart at the time he takes it that he is not going to do it, that is a fraud.

The CHAIRMAN. Well, of course, if you can prove it; but you may not be able to prove it.

Mr. NEWTON. But you can prove enough, if there is any willful attempt at the Government, to satisfy a right-minded court.

The CHAIRMAN. You do not need any law on that, I suppose; that is a fraud which would justify setting it aside under the general law.

Mr. NEWTON. Well, I think it should be carefully examined into. I am telling what I think would be wholesome.

The CHAIRMAN. Yes; I would not object to that.

Mr. NEWTON. And I am old-fashioned enough to believe that there is a little common sense left in the laws yet.

The CHAIRMAN. Well, we have that constitutional condition; and we have had that provision in a dozen different bills here; and my impression was that it was not constitutional; and I was trying to find some lawyer who would say that it was constitutional.

Mr. NEWTON. Well, I will not disagree with you at the moment, because I have not examined the question.

Mr. GARD. You stated a moment ago that there were 300,000 to 500,000 people in the city of New York, aliens and other foreigners, mostly aliens, who believed in overthrowing this Government and all government by force and violence. From your observation and investigation, what is the proper remedy for overcoming in the minds of those people such a condition?

Mr. NEWTON. Education; an effort on our part to teach them the benefits of our country—as much effort as there is on the part of the others to teach them that they ought to overthrow it. Those people are meeting children on the school-house steps with primers of disloyalty printed in all the languages of the world, and getting them to take those home to their parents to read.

Mr. GARD. Unquestionably, in my mind, the remedy is that of assimilation, if possible, of these people with Americans and American ideas.

Mr. NEWTON. That is what I mean by education.

Mr. GARD. Just now how can we accomplish that among the people of whom you have spoken?

Mr. NEWTON. Well, I can appreciate that it is some task; but I think a great effort can be made by changing the systems in some of the public schools, and by starting in to teach the children the benefits of the Government, and by a general enlightenment of that class of people. It has even been suggested in our State that there should be set aside every day certain hours to teach the adult some features of the American form of Government, and compel him to learn how to read the English language. Of course, that is a task which anyone can see is a tremendous task if you attempt to do that.

Mr. HUSTED. Do you not think that in many cases with a good many of them it is simply a case of viciousness rather than lack of education?

Mr. NEWTON. I think that is true of the leaders, but I do not think it is true of the masses.

Mr. HUSTED. No; I do not think so either.

Mr. NEWTON. For this reason: This is a beautiful picture that they present to the ignorant man. I have here, for example, a reported speech of a man who was running for alderman in New York last fall.

He comes before his audience up in the Bronx, and this is what he says to them—just to give you an idea of how catching it is. He says:

I don't wonder that you are late in getting to this meeting to-night. And I see that you are all looking pretty tired. I left lower Broadway in the subway this afternoon with you on my way home, and I came as far as Twenty-third Street; and you were all packed in the subway like sardines in a box, hanging on to the straps, and all tired out, most of you.

Now, I have a jitney, and so I thought I would get out at Twenty-third Street and come up Fifth Avenue and see how the capitalist class went home from their day's work; and I drove my little jitney along the side of the street, and I saw the capitalist class—the persons that you are a slave to, earning the money to support them in their luxury—riding home in their limousines.

Now, how would you like to come up Fifth Avenue from your work, and to give your family the benefit of a limousine to get home?

Now, of course, everybody would like to have that for himself and his family.

"Well," he said "Vote for me for alderman; and next year you can all ride home in a limousine."

Mr. BOIES. It would be a good idea if you could educate that man by calling his attention to some drastic statute, would it not?

Mr. NEWTON. Yes.

Mr. WALSH. Well, of course, you can not put those 300,000 to 500,000 people in jail up there.

Mr. NEWTON. I am going to say this about sending those people to jail; it is a notion probably that is peculiar to my own mind: In some instances, the more radical ones should be convicted and sent to jail; it will deter others. But in the main with that class of people, the sending of that man to jail is making a martyr of him; he invites jail. And so far as the alien is concerned, I would not send him to jail; I would send him back to the country from whence he came.

And I want to say this: That in the trial of cases, which has been the principal part of my business, if I could find out what the fellow on the other side did not want, I always thought that was the meanest thing I could do to him; and I find that the men and women generally say, "Do anything to us, but do not send us away; do not send us out of the country; send us to jail; do anything with us, but we do not want to be sent back."

Mr. HUSTED. Do you not think that the enactment of a proper statute such as the one that we have in New York State would tend, to a considerable extent, to suppress the effective advocacy of these doctrines?

Mr. NEWTON. Yes.

Mr. IOE. Well, it has not done so; you have had the statute for 16 or 18 years?

Mr. NEWTON. There never has been a prosecution under it until this year.

Mr. IOE. Well, how many indictments have been brought under that statute that are pending now?

Mr. NEWTON. That would be a guess with me. There are more than 100 that I know of in various parts of the State—in New York City, The Bronx, and Buffalo.

Mr. IOE. You have indicted the leaders and officers of these organizations?

Mr. NEWTON. Well, as to those indictments I want to acquit the attorney general's office. The attorney general of the State of New York has nothing whatever to do with criminal prosecutions, except when he is directed by the governor to supersede a district attorney. The indictments are found by the grand juries and the prosecutions are brought by the local district attorneys.

Mr. IGOE. Do you find that those indictments have any effect upon the membership of those societies—I mean in the way of causing the members to understand the nature of the societies and the nature of the movement, and to cause them to withdraw from the societies and repudiate them?

Mr. NEWTON. I can answer that with one concrete case. In the raid that we had in Buffalo there was a notice sent to one of the members that he owned \$1 or \$2 dues; and he sent back the notice with a letter in which he said:

I am not going to pay these dues; and I want you to accept my resignation, because I can not see anything that you are going to accomplish except to get us all into trouble; and I want to keep out of trouble.

But I think they do stop the different organizations from increasing their membership.

Mr. GARD. Do I understand correctly that this statute in New York was passed first as a result of the assassination of President McKinley by a foreigner—Czolgosz, I think his name was?

Mr. NEWTON. Yes.

Mr. GARD. And to take care of the situation that then arose?

Mr. NEWTON. Yes.

Mr. GARD. And since then it has laid practically dormant until 1919, when it was applied to the so-called communist party?

Mr. NEWTON. If I am correctly informed, there never was a prosecution brought under it until this extraordinary grand jury, appointed by Gov. Smith, brought the indictments last September.

Mr. IGOE. Do you recall under what statute that famous case in New York against Johanne Most was brought?

Mr. NEWTON. How long ago was that?

Mr. IGOE. I remember hearing of the case in connection with legislation we had pending. It was some time in 1895, I understand, or thereabouts. He had circulated some anarchistic literature.

Mr. NEWTON. Well, I do not know.

Mr. HUSTED. This work, I assume, can only be effectively carried on by propaganda, and the statute enables you to prevent the dissemination of the propaganda, either by literature or by holding public meetings or by out-door advocacy?

Mr. NEWTON. Yes.

Mr. HUSTED. Now, with reference to the suggestion of Mr. Igoe that this statute has been in existence for quite a number of years and that very few indictments have been had under it, is it not true that the occasion for bringing this statute into active operation on a large scale is of comparatively recent origin?

Mr. NEWTON. So far as the general public know about it. They take the position, however, that now the time is ripe—by reason of the war and the unsettled condition left in the minds of a large class of people growing out of the war—that now is the time to strike.

Mr. IGOE. This development has largely been, then, in the last year or two—that is, the recruiting of these 300,000 to 500,000 advocates to this cause?

Mr. NEWTON. So far as the Communist Party is concerned, it has been since September, last.

Mr. IGOE. Yes; I understand that. And that of course grew out of the division in the Socialist Party?

Mr. NEWTON. You have always had an I. W. W., or have had ever since I can remember, which operates in various parts of the country; they are probably on all fours with the Communist Party.

Mr. IGOE. I understood that the Communist Party membership was approximately 60,000; at least, those were the figures given us a day or two ago.

Mr. NEWTON. Well, you did not understand me as saying that the 300,000 or 400,000 radicals are all members of the Communist Party?

Mr. IGOE. No; I mean all organizations having the same principles and advocating the same methods.

Mr. NEWTON. Yes.

Mr. SUMNERS. Let me ask you this one question, to boil it right down: This is your idea of how the situation should be dealt with: First, shut off the socialist press, which you regard as poison, or as dispensers of poison, as you look at it?

Mr. NEWTON. Yes.

Mr. SUMNERS. And having shut off the supply, then you would not have so much to counteract?

Mr. NEWTON. That is correct.

Mr. SUMNERS. And the next step you would regard as necessary is the proper education to make good citizens out of them; is that your idea?

Mr. NEWTON. Yes. I would first stop the distribution of that radical propaganda; that could be done at once.

Mr. GOODYKOONTZ. On that point, would you give the Postmaster General plenary power to prohibit that matter going through the mails?

Mr. NEWTON. He has it now.

Mr. GOODYKOONTZ. He claims otherwise.

The CHAIRMAN. I was informed by some member from New York State that several months ago, in the city of New York, there were constant appeals made by so-called soap-box orators for the overthrow of the Government by force. Since you have commenced those prosecutions, do you know whether there has been any cessation of that?

Mr. NEWTON. Yes; their suggestions and speeches have been very much modified, because it has become known that in the places where radical speeches are apt to be made, we had stenographers taking down their speeches, and that those speeches would be used by the committee; and they have moderated materially.

The CHAIRMAN. How has it affected the printed matter—news-papers, and thing of that kind? Has there been any substantial change in those?

Mr. NEWTON. I think some of them are better, and some worse. Some of them have grown more radical—some of the radical publications in New York, the Revolutionary Age, for instance; it does not seem to have much effect on them.

Mr. NEELY. Could you not reach this Revolutionary Age by your State law?

Mr. NEWTON. Yes, sir. The two editors have been indicted, and one of them was convicted yesterday. Gitlow was one of the editors of that paper; he was convicted on the publication of the communist manifesto and the comments upon it in his paper.

Mr. NEELY. Do you know whether that communist manifesto that you spoke of is similar to the manifesto issued recently by the Union of Russian Workers and circulated widely throughout the country?

Mr. NEWTON. Yes.

Mr. NEELY. You have seen that, have you?

Mr. NEWTON. Yes; they are similar; in many respects identically.

Mr. NEELY. Does this manifesto that you speak of recommend or advocate, as the manifesto of the Union of Russian Workers does, the assassination of the most prominent officials of the Government?

Mr. NEWTON. No.

Mr. NEELY. And the destruction of jails and the liberation of all prisoners?

Mr. NEWTON. Yes.

Mr. NEELY. Just as the manifesto of the Union of Russian Workers teaches?

Mr. NEWTON. They believe in the destruction of all property; that is, the taking over of all property, the release of all—

Mr. NEELY (interposing). Prisoners?

Mr. NEWTON. Well, they have an adjective that they put in there—"all political prisoners"—they mean by that anybody who has been convicted of any violation of—

Mr. NEELY (interposing). Espionage law?

Mr. NEWTON. Espionage law.

Now, there has been brought before the attorney general of New York the statement of a witness which throws considerable light on the situation; the witness was Dr. Max Cohen. Dr. Cohen was not put under oath, for reasons which you will see after I have read a little of his statement.

Mr. HUSTED. If I may interrupt you for just a moment, the 300,000 or 500,000 radicals in the city of New York to whom you have referred have drifted there from all over the United States, have they not?

Mr. NEWTON. Well, I think many of them have never been any farther in the United States than New York.

Mr. HUSTED. And a great many of them have come from other parts of the country?

Mr. NEWTON. Well, they are aliens and have come into New York and stopped there; they never have been out over the country at all. It is my observation that the large majority of them have never been in this country outside of Greater New York.

Mr. HUSTED. I understood from newspaper reports only that many of them had been brought there by the Department of Labor with a view to deportation, and had then been released on bond; that they had been brought there from various parts of the country and had been released on bond and had remained in the city of New York.

Mr. NEWTON. Well, I am not referring to that class at all in my statement. They have been sent there from all over the United States for the purpose of deportation; I do not know how many; probably several hundred; and they are being held, excepting those who have already been deported.

Mr. NEELY. While you are answering questions, I wish to ask you a few questions about the Davey bill, which is before the committee;

whether it offers a sufficient remedy for the evil which we are now discussing.

Mr. NEWTON. I am very sorry to say that, owing to the great press of public duties, I have not had the opportunity to read the Davey bill. I have not had time to read any of the bills before your committee.

Mr. NEELY. Then let me ask you another question: Do you think a bill enacted by Congress of a similar scope to the one which you have now on the statute books of the State of New York would be sufficient to deal with the situation?

Mr. NEWTON. I think it would help. If there is any possible way to strengthen the law, to protect the entire country, within reason, I should be for it.

Mr. NEELY. Well, have you any particular amendments that you would care to suggest to the present existing law of New York that you think should be adopted by the Congress, provided Congress should come to the conclusion that it is desirable to pass that law?

Mr. NEWTON. I have not as I stand here now. If any member of the committee thought it would be helpful I should be very glad to give it some attention, but I would want to sit down and feel that I had my mind on that particular thing at the time. It would be almost valueless to ramble at it.

Dr. COHEN said, among other things—I do not know that I ought to read this; he expresses some opinions about Congress which are pretty strong.

The CHAIRMAN. That will not be anything unusual. [Laughter.]

Mr. GOODYKOONTZ. We get that so often that we are used to it.

Mr. NEWTON. I could almost think that I was at home hearing these things about the attorney general's office. Here is what Dr. Cohen said:

Dr. COHEN. We are not interested at all in what Congress would do. They can not do a damned thing, as against the war profiteers, for instance. Assume you apply a thousand times more energy than you do, the most you can do is seek for repressive legislation and perhaps jail a few profiteers, which will not solve the question unless your whole system is overhauled. But if capitalism is, as we believe it is, on the verge of a breakdown in all countries, which brings with it a greater and greater discontent and a growing class consciousness among the unskilled workers, who are in the vast majority, and they will organize and listen to our propaganda, the time must necessarily come when a state of chaos is at hand. The workers and soviets on one hand, and the constituent assemblies on the other hand, both wrestling for power. That will be the situation. Whether or not it will be orderly depends on you people, because we want to assume these organizations.

Maj. RICH. But if there is any resistance?

Dr. COHEN. Well, you will show the resistance; we will not; you will fight to retain power and the workers will fight to wrest it away from you. On the one hand the workers' council, on the other hand the constituent assemblies.

What you are trying to get from me is an admission that force will be necessary.

Maj. RICH. No, no; if you have any other way to do it, we would like to know your idea.

Dr. COHEN. The question of force does not rest with us. We base our philosophy on life itself—mass action. Our socialist brethren berate us for our loose way of talking, but we say mass action is dependent on life itself. We can not make a narrow definition of it because it involves all of life itself.

We have to show them that all social reformers are worthless to them and that the one thing they must do is to organize in the Communist Party. When

that stage has reached its development, and the breakdown of industry comes, the revolutionary organizations will probably spring into existence and will attempt to take over the control of the Government from your capitalist class—

Mr. BERGER. How?

Dr. COHEN. Well, let us see; in Russia they made a raid on the—of course, they abolished all the constituent assemblies—but they raided the offices of the powers that be, and installed themselves, and immediately organized the Red Guards to protect themselves in their newly-found power.

Mr. STEVENSON. And you would approve of that method?

Dr. COHEN. Unquestionably.

Maj. RICH. That would mean, of course, force?

Dr. COHEN. Well, suppose the capitalist class did not desire to come to us, would use force against us—

Maj. RICH. Of course, you don't expect that they would desire to go to you?

Dr. COHEN. Then the onus is on your side, not on ours. We merely protect ourselves. We all know enough to know that no ruling class will give up power without a fight. But we must have the initiative. All submerged classes must assume the initiative if they are to get what they want.

Maj. RICH. Therefore the onus of the results rests with you?

Dr. COHEN. Of course, if we establish a dictatorship of the proletariat, we will accept whatever onus is involved.

Maj. RICH. Whether the result is successful or not?

Dr. COHEN. You see, of course, it is a peculiar situation. We are being tried in the capitalist court, and there can be no justice, because we tell you frankly what we aim for is the overthrow of your Government.

Maj. RICH. And you expect to take all the institutions and all of the property of the capitalists?

Dr. COHEN. Communize it, nationalize it, immediately.

Maj. RICH. Well, you mean take it away from the present owners and do what you please with it?

Dr. COHEN. Yes.

Maj. RICH. You don't expect a man is going to give up property and money without resistance therefore you are going to supply the means of taking it from him, and you have the initiative in bringing about the means, therefore it can not be done except by force.

Dr. COHEN. It can be done without force, but if force is used, we blame you people, because you are prepared to use force. Now, we are going to win over the Army and Navy—

Mr. BERGER. How would you try to win it over?

Dr. COHEN. Through propaganda. How do you think any revolutionary organization ever won anybody over, except through propaganda?

Mr. BERGER. Then you will try to win over the Army and Navy, who have sworn to uphold the Government and resist the efforts of anyone who seeks to overthrow the Government, and you will try to get them in such a frame of mind as to be untrue to that oath, and not do that which they are sworn to do, to uphold law and order?

Dr. COHEN. To tell you frankly, we don't care a fig for your oaths. We don't hold them as meaning anything to us, because necessarily if we did we would have to stop and go out of business.

Mr. BERGER. You are not under oath now, but if you were put under oath, would that mean anything to you? As a gentleman, you will tell the truth. You have been very frank and I would take your word as well without an oath as with an oath.

Dr. COHEN. My oath would mean nothing at all to me.

Mr. BERGER. It would mean nothing to you?

Dr. COHEN. Nothing at all.

Mr. BERGER. May I ask, is that anything personal with you; that is, the general principle?

Dr. COHEN. No; that is the principle of all revolutionary organizations.

Mr. NEELY. May I ask you who the reprobate is who was under examination?

Mr. NEWTON. Dr. Max Cohen, who is the secretary of a radical organization containing upward of 55,000 members, according to my information, and who directs the policy of one of the radical papers in the city of New York.

Mr. NEELY. Is he still at large?

Mr. NEWTON. Very much so.

Mr. GOODYKOONTZ. Why has he not been indicted?

Mr. NEWTON. Well, this matter has been presented to the district attorney's office, under my direction, and what action they have taken under it, I do not know. I know he is at large, because he took part in the trial of this man Gitlow; he was there furnishing assistance.

And there are many other interesting things in Dr. Cohen's statement that he made before the attorney general. I will leave a copy with the committee, if anybody would care to look at it. I am only submitting it to the committee to show you another angle which might not yet have come under your observation.

Mr. BOIES. Many of these people who were taken to New York with the expectation of deporting them were released on bail. What class of people furnished the bonds?

Mr. NEWTON. Well, there are some attorneys in New York whose business it is to defend these radical cases. These organizations have plenty of money, as you will see if you will permit me to read an extract from the opinion of Judge McAdoo, chief magistrate, before whom the preliminary hearing in the case of Larkin and Gitlow was had, and his decision upon holding them for the grand jury. They were indicted and actually convicted, as I have said, yesterday.

Mr. NEELY. Have you any evidence before you that any of this money has come from Russia?

Mr. NEWTON. We examined Mr. Martens, the accredited Russian soviet ambassador, as he stated, and he swore that he had received \$90,000 in currency at five different times, by special messenger, handed to him in an envelope. He did not know the person who brought it; he had never seen him before; he asked him no questions. He did not ask him to sit down, and he did not even ask him to lunch; the person walked in and handed him as much as \$25,000 at a time, until he had \$90,000 of money which came through this source; and he declined to give the committee the source from which it came. It came from another country, from a country across the water, direct to him. And, of course, we had his bank accounts, because we took those, and his bank books, which showed daily balances ranging from \$19,000 to \$25,000, probably, in two different banks. We could trace the checks and the expenditures, but the deposits were all made by Mr. Martens himself and made in cash, and there was no way for us to definitely get at the source of them. That is the only information that I have of any funds that have been received from outside this country, but I can assure the committee that—

Mr. NEELY. Did you trace the expenditure of this \$25,000?

Mr. NEWTON. We had the checks there which were canceled.

Mr. NEELY. Was it for spreading propaganda?

Mr. NEWTON. That is our claim. That is denied by Mr. Martens. Most of it was sent to different localities, or some of it was sent to different localities of the United States to pay for the defense of men indicted for violation of the espionage act.

Mr. BOIES. I was wondering whether these bonds were usually furnished by cash.

Mr. NEWTON. The only ones I have personal knowledge of the money was put up by the attorney who was representing him. Put up by the attorneys. Whose money it was I don't know. I want to read a few statements from Judge McAdoo's decision and I want to leave with the committee this decision of Judge McAdoo because I consider him a very able judge and he evidently gave this subject a good deal of thought and he has pointed out some things here which are based upon the evidence presented before him. Therefore, there is a foundation in fact for his statements of fact and his conclusions. I will read the statement or parts from it:

If the great middle classes of the country, which include organized labor as at present, do not surrender at once all their property and possessions and commit their lives to the tender mercies of the raging proletariat, what is to be done with them? The manifesto makes it perfectly plain. If they resist they are to be suppressed. What does suppression mean? It means that if they continue to resist they must be exterminated; while the money from the banks and other repositories flows into the coffers of the leaders of the revolutionary communists, the blood of the doomed class will gurgle in the gutters. If this is not violence, if this is not anarchy, if this is not directly, openly, and brazenly a defiance of the penal law of this State, what is? Well-meaning gentlemen tell us that we should not interfere with incendiary men when they are preparing the torch, we should only apprehend them when they are setting fire to the building. This statute is a preventive measure. It is intended to head off these mad and cruel men at the beginning of their careers. It is intended to put out a fire with a bucket of water which might later on not yield to the contents of the reservoir.

A few years back if any one had said that in this year of grace 1919 there would be in the city of New York, known to the authorities, between 70 and 80 official headquarters of a criminal organization like this, well equipped with money and the rooms bulging with literature more dangerous to our civilization than the microbes of disease to the human body, he would have been laughed at. Nearly 80 recruiting barracks for this red army in the city of New York with thousands of members and apparently unlimited money, from at home or abroad. If this is not, in the language of the State, an attempt to overthrow and destroy the organized State, what is? To fail to enforce this law, therefore, under the circumstances, would be on the part of public officers, judicial and otherwise, a species of treason against the State itself.

No one claims that the modern State is free from evils nor denies that progressive reformation is absolutely essential to the maintenance of justice and democracy, but all these are obtainable under the constitutional forms of our Government.

The basis of our Government is a written Constitution, in which it differs from nearly every other country in the world. Great Britain, to whose Socialistic Party the defendant Larkin refers, is living under a Government where Parliament makes the constitution every day that it is in session. Parliamentary dominancy in its elasticity is instantly responsive to public opinion.

Our Government could only be constitutional and legally changed by the terms of the Constitution itself. The Constitution absolutely forbids in every letter of it such things as coercion and suppression. Amendments to it must be made with great deliberation and much time. It provides for its own safety against hasty action. The people and the States must both act before any change can be made. A red, revolutionary, proletarian class government could not be established here unless the Constitution is destroyed. Primarily, all changes both as to the laws and the persons who administer under them are effected by ballot voting at elections. The war has proven it to be a government of stability and centralization when necessary to meet emergencies. It is well, too, to remember in this connection that we are still at war, no legal peace having as yet been arrived at, and we are to construe this law under these conditions—the aftermath of the bloodiest and greatest war that the world has ever seen.

The manifesto itself declares that this is the golden opportunity of the red revolutionists. Is this not a call to action for those who are sworn to uphold

the laws of their country? Are we, who are the ministers of the law, to ignore this challenge? Are we to lose ourselves in legal subtleties and nice disquisitions and historical references, and bury our heads in clouds of rhetoric about liberty of speech? Liberty of speech! It is the very breath and soul of every American; it is the essence of our republicanism and we guard it with such jealousy that we have hitherto tolerated its abuse into a license which now threatens our institutions. Are there no limits to liberty of speech? Can these men openly state that they intend to destroy the State, murder whole classes of citizens, rob them of their property, and then escape under the plea of liberty of speech? We are told the human mind must be free. Is the human mind entitled in civilized society to germinate poisonous and criminal thoughts and then scatter them abroad to beget anarchy, robbery, and chaos? Are we to say to this formidably organized army, with its recruiting barracks in our midst, forward with your battle-cry of coercion, suppression, murder, and robbery, called sophemistically expropriation. If the law failed to meet such a situation as this, honest and law-abiding citizens might well despair.

Mr. NEELY. Will you not incorporate that in the record as part of your statement?

Mr. NEWTON. Yes, sir; I shall be very glad to leave the whole of the remarks and decision of Judge McAdoo with the committee because I consider it one of the first expressions of the court so far as I know in our State on this subject. I have a copy of it which I can leave with the committee if you desire.

The **CHAIRMAN.** We shall be glad to have it.

Mr. NEWTON. And in it he holds that the signing of the card and becoming a member of the Communist Party is criminal anarchy under the statutes of the State of New York.

(The whole of Judge McAdoo's decision follows:)

[City Magistrate's Court, City of New York, 300 Mulberry Street. The People v. Benjamin Gitlow; charge, criminal anarchy. The People, etc., v. James Larkin; charge, criminal anarchy.]

McAdoo, C. C. M.: These defendants are charged with violating sections 160, 161, 162, 163, and 164 of the Penal Law of this State, which deals with the crime denominated therein "criminal anarchy." This it proceeds to describe in distinct and unequivocal terms. We are therefore not called upon to discuss the meaning of the word "anarchy" in its common use, or dictionary significance. The statute makes certain actions felonious, and the name which it gives to such acts is not of importance in determining this case. This act, in the wisdom of the law-making power, was deemed necessary by conditions which sprung up unlooked for in this country. This big-hearted, strong, young country, up to the time of this enactment tolerant and charitable to the discontent begotten by old-world millennial feuds and injustices among those who came to our shores, admitted the greatest latitude to angry vaporings and vituperative abuse of all governmental agencies.

The American mind up to that time could not conceive that even a very small portion of those hopelessly incorrigible to civic influences, among immigrants to this country like myself—immigrant and son of immigrant—would fail to repay with loyalty and love a devotion to the institutions of a democratic State which admitted to us every privilege and opportunity.

This case turns upon whether or not the published manifesto of the Communist Party, taken in connection with the trend of thought shown by the articles in both numbers of the paper called the Revolutionary Age, and more particularly the illuminative statements of one of its authors, the defendant Larkin, is in violation of the statute under consideration.

The connection of these defendants with the writing, publishing, circulating, and selling of the manifesto is convincing beyond doubt, and need not be further discussed. This is especially so in the case of Gitlow, who arranged and paid for the printing and attended to the circulation and sale.

We are therefore called upon to examine the manifesto itself. This paper is to be taken in its entirety. According to the statement of the defendant, Larkin, it had several authors but one mind, and we are dealing here, as Mr. Justice Hughes, of the Supreme Court, said in a decision some years ago, with

a state of mind. What did these defendants intend by the language used in the manifesto?

The manifesto starts out with a bitter arraignment and condemnation of what it calls the moderate Socialist Party and the American Federation of Labor, and organized skilled artisans generally. It accuses the Socialist Party of having betrayed socialism, especially in aiding and abetting the military operations of different countries during the recent war. The existing political state and all the social and economic conditions which exist under it are condemned without measure. It is declared to be beyond redemption and must be utterly and thoroughly destroyed, root, and branch. To this end all reformatory measures intended to beget better social and economic conditions are denounced and the Communist Party is pledged to refrain from aiding parliamentary action. Voting by ballot and participating in government is to thwart the coming of the revolution. Everything is to be done to make social and economic conditions worse and not better, so as to produce universal unrest and discontent, later on to be goaded into desperation. The Socialist Party and the labor unions, in so far as they take part in parliamentary or Government action, are utterly condemned and held up as public enemies. If one man is desperately discontented he must be a disease carrier to others, until the whole body is infected. The terms most frequently in use in the paper are "the political mass state," meaning a class state; "control of the industrial process," meaning the power to stop production; "when the workers stop the State dies;" "mass action, industrial in origin, becomes political in action;" that is, mass action in universal strike throttles and starves the political State. This, says the manifesto, is revolutionary socialism in action, as defined by Karl Marx.

Having the law in view, the document is a little guarded as to what direct action means, but must be read in connection with the statements of Larkin. The organized Government mentioned in the statute is yet too strong for those who wish to destroy it, to speak plainly. The manifesto not only does not condemn the anarchists, as the term is generally used, but is most friendly and conciliatory. Fearing that it might give offense to those who openly call themselves anarchists it says, "The attitude toward the State divides the anarchist (and anarcho-syndicalist), the moderate socialist, and the revolutionary socialist. Eager to abolish the State (which is the ultimate purpose of revolutionary socialism), the anarchist (and anarcho-syndicalist) fails to realize that the State is necessary in the transition period from capitalism to socialism." In other words, after the revolutionary socialists have killed the State and suppressed or exterminated the bourgeoisie, they ask time to recover their breath and fill up the interregnum with a shadow of a government. He would certainly be an unreasonable anarchist who would not agree with this.

The common enemy, against which all organized revolutionary effort is to be directed, is the bourgeoisie or middle class of people—from the owner of the department store to the keeper of the small shop, from the great steel works to the little smithy on the village street, from the president of a college to the bookkeeper in the office, and always to include what they denominate as the main props of the "capitalistic" State, the pulpit, the Army, and the police. These forces are to be utterly beaten down and destroyed. The State is to be owned and controlled by the proletariat. This proletariat is to consist, in bulk, of hitherto unorganized manual laborers, but does not include farmers, who in the nature of things as owners of property would be dominated as bourgeoisie and looked upon as enemies.

Having overthrown organized government, the State is therefore to be in the possession of a class. It is noticeable that throughout this paper it is always the proletariat that is to rule and not the majority of the whole people; it is class rights that must be dominant. Under cries of "liberty," the voice of the majority is to be stifled by force. If you dissent in any degree from those then in control, as now happens in another country, you are denominated an anarchist and at once shot. All dissenters are anarchists. For instance, "Do you agree with the Soviet? 'I do not.' To the slaughterhouse with him, he is an anarchist." The bitter intolerance which this paper exhibits toward any possible difference of opinion might well be called to the attention of dilettante parlor socialists and pseudo anarchists who are looking for nervous excitement and notoriety, and easy-going gentlemen in and out of juries or civic forums who are condemning the zeal of the officers of the law in the pursuit of this and kindred organizations, and here to remind them that in this projected revolution, as in those hitherto enacted, the Jacobine are to swallow or to destroy the Girondists.

Certainly those of us who are bound by the decisions of the Supreme Court of the United States, as evidenced in the case of Jacob Abrams et al., v. United States, convicted of distributing in this city inflammatory placards and circulars, will not have any doubt as to what is the law of the land in dealing with such people.

According to the manifesto, the revolutionary socialists, calling themselves the communist party, confronted with this common enemy which is to be destroyed, organized government as it exists to-day, the "capitalistic" state as they call it, and the hated bourgeoisie, how are they going to effect the revolution? Does the manifesto tell us? It does, in very plain terms, with it must be admitted some hesitancy and a tinge of subtle evasiveness, intended for a defense in court.

How is this revolution to be accomplished? The manifesto gives the battle cry and slogan in practically two words, coercion and suppression. The mass action strike is to paralyze all the industries of the country, depriving millions of people of the necessities of life, paralyzing the armed forces of the United States, making the soldier and the policeman impotent and the silencing such voices in the pulpit as are not in accord. This is the first state, coercion by absolutely and unqualifiedly illegal means, unlawful practices and a criminal conspiracy deliberately invented to carry out the purposes intended. These strikes are called mass action and have nothing whatever to do with efforts for increase of wages or lessening of hours or the betterment of the workers. It is the militant uprising of the red revolutionists. At this point the State is given the option that it must either suicide or be killed. If this condition would be brought about, what objection could anarchy have to it?

If the great middle classes of the country, which include organized labor as at present, do not surrender at once all their property and possessions and commit their lives to the tender mercies of the raging proletariat, what is to be done with them? The manifesto makes it perfectly plain. If they resist they are to be suppressed. What does suppression mean? It means that if they continue to resist they must be exterminated; while the money from the banks and other repositories flows into the coffers of the leaders of the revolutionary communists, the blood of the doomed class will gurgle in the gutters. If this is not violence, if this is not anarchy, if this is not directly, openly, and brazenly a defiance of the penal law of this State, what is? Well-meaning gentlemen tell us that we should not interfere with an incendiary when he is preparing the torch; we should only apprehend him when he is setting fire to the building. This statute is a preventive measure. It is intended to head off these mad and cruel men at the beginning of their careers. It is intended to put out a fire with a bucket of water which might later on not yield to the contents of the reservoir.

A few years back if anyone had said that in this year of grace 1919 there would be in the city of New York, known to the authorities, between 70 and 80 official headquarters of a criminal organization like this, well equipped with money, and the rooms bulging with literature more dangerous to our civilization than the microbes of disease to the human body, he would have been laughed at. Nearly 80 recruiting barracks for this red army is in the city of New York, with thousands of members and apparently unlimited money from at home or abroad. If this is not, in the language of the statute, an attempt to overthrow and destroy the organized state, what is? To fail to enforce this law, therefore, under the circumstances, would be on the part of public officers, judicial and otherwise, a species of treason against the state itself.

No one claims that the modern state is free from evils nor denies that progressive reformation is absolutely essential to the maintenance of justice and democracy, but all these are obtainable under the constitutional forms of our Government.

The basis of our Government is a written Constitution, in which it differs from nearly every other country in the world. Great Britain, to whose socialistic party the defendant Larkin refers, is living under a Government where Parliament makes the constitution every day that it is in session. Parliamentary dominance in its elasticity is instantly responsive to public opinion.

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against hasty action. The people and the States must both act before any change can be made. A red, revolutionary, proletarian, class government could not be established here unless the Constitution is destroyed. Primarily, all changes both as to the laws and the persons who administer under them are effected by ballot voting at elections. The war has proven it to be a Government of stability and centralization when necessary to meet emergencies. It is well, too, to remember in this connection that we are still at war, no legal peace having as yet been arrived at, and we are to construe this law under these conditions—the aftermath of the bloodiest and greatest war the world has ever seen. The manifesto itself declares that this is the golden opportunity of the red revolutionists. Is this not a call to action for those who are sworn to uphold the laws of their country? Are we, who are the ministers of the law, to ignore this challenge? Are we to lose ourselves in legal subtleties and nice disquisitions and historical references, and bury our heads in clouds of rhetoric about liberty of speech? Liberty of speech! It is the very breath and soul of every American; it is the essence of our republicanism, and we guard it with such jealousy that we have hitherto tolerated its abuse into a license which now threatens our institutions. Are there no limits to liberty of speech? Can these men openly state that they intend to destroy the state, murder whole classes of citizens, rob them of their property, and then escape under the plea of liberty of speech? We are told the human mind must be free. Is the human mind entitled in civilized society to germinate poisonous and criminal thoughts and then scatter them abroad to beget anarchy, robbery, and chaos? Are we to say to this formidably organized army, with its recruiting barracks in our midst, forward with your battle cry of coercion, suppression, murder, and robbery, called euphemistically expropriation. If the law failed to meet such a situation as this, honest and law-abiding citizens might well despair.

These two defendants, Gitlow and Larkin, are beyond doubt two of the prominent leaders in this revolutionary scheme. They are men of intelligence, with considerable experience in public affairs, and all this either from honest fanaticism or muddled thought they have perverted into the most dangerous channels. As they stand to-day, as against the organized government specified in the statute, they are positively dangerous men.

I notice in the statement of Larkin made to the district attorney a latent spirit of the conservative spiritualism of the people whence he sprung, when he dissented as against the "God-killers." Possibly he had in mind the spirit of the Paris Commune, when it controlled that city in the early seventies. One of the chiefs of the Communist Party, after which this is modeled, giving a pass to a clergyman to visit some of the condemned bourgeoisie in prison, wrote, "Admit the bearer, who says he is the servant of a person called God."

I am of the opinion beyond any doubt, reasonable or otherwise, that these defendants in their writing, concocting, drawing, collaborating, and confederating in the production, printing, and circulation of the manifesto, are clearly guilty as charged in the complaint. I may also add that in my opinion every member of this criminal organization, who knowingly subscribes to the manifesto and the rules under which he becomes a member of the party, is equally guilty of violating the statute, and that the act of one in this respect is the act of all, however physically separate, and that no overt act beyond that is necessary to make the case complete against them.

"I declare myself for the coercion, suppression, and extermination of a whole class of my fellow citizens and the expropriation of all of their property;" I join an organization and comply with its rules and sign its manifestoes and probably pay in my dues, and accept its card of membership. What greater overt act, short of actual, physical violence, can I commit than that? I need not in this connection refer to the cases in our courts of Johann Most and the one in which an opinion was delivered but a few days ago by the Supreme Court of the United States and referred to above. The principles of the law as to collective action in such crimes as this is well established and laid down in our books from the day the first white man put his foot on this continent to the present moment, and it is not necessary to quote them here.

Defendants are held for the action of the grand jury.

Mr. IGOE. Do you believe that you will be able to meet this situation effectively under the statute of New York, and your present methods, General?

Mr. NEWTON. Well, I feel that if we had some assistance from the Federal law many of these things could be reached where the local authorities would not reach them.

Mr. IGOE. Would it be in the fact that the tribunal in which the case was tried was different or because of the different law that you need?

Mr. NEWTON. Well, Congressman, I would say both. I think in the main that the district attorneys, so far as my observation is concerned, are very much interested in maintaining the dignity of the State and of law and order, but they have no special branch of their department to reach this particular class of cases. You take it in the city of New York, where they have so much general business that the office of district attorney—it is almost impossible to keep up with it, and as this undoubtedly never would have been brought to the attention of the public at all, and prosecutions under this statute had at all except for the extraordinary grand jury designated by Gov. Smith.

Mr. IGOE. It is only within a few months that they have really awakened to the situation?

Mr. NEWTON. Absolutely. And there are thousands and thousands and millions of people in this country, to my mind, who aren't yet awake.

The CHAIRMAN. Of course, there would be one advantage of the Federal statute. You could reach beyond the State.

Mr. NEWTON. Reach beyond the State. Now, the testimony which is needed to convict and indict is now in Chicago, and there is no provision of our law to compel a witness to come from Chicago to testify except he wants to come within the jurisdiction of the State of New York. There would be that advantage. I don't want to worry you, gentlemen. I have no set story here to tell at all. If there is anything I can give you information about—

The CHAIRMAN. Judge McAdoo referred to some radicals having headquarters.

Mr. NEWTON. I think some 70 or 80.

The CHAIRMAN. And the officers of those various associations are known and the publication of literature is known to come from certain individuals?

Mr. NEWTON. The propaganda is being printed and circulated generally throughout New York by these organizations. I think this decision of Judge McAdoo was possibly in October or September. Since that time notice has been given, I am informed by the district attorney of New York, to every property owner where these radical headquarters existed that if they continued to meet there they would be prosecuted under this statute. I understand that they have moved and it is not so easy now to find just where they are located.

Mr. NEELY. Was it acting on a notice of that sort that the landlords declared forfeited a lease of Weinsberger, the attorney who had been representing some of the parties?

Mr. NEWTON. I so understand it.

Mr. HUSTED. Isn't it a fact the more difficult you make it for these people to carry on their propaganda the less effective that propaganda will be?

Mr. NEWTON. Yes, sir. And that is where I think the law should be strengthened along the lines of permitting it by handing it from hand to hand or transmitting by mail this revolutionary propaganda.

Mr. IGOE. You really believe that these 300 to 500 people who are affiliated with these organizations, that their purpose is to overthrow by force and violence the Government of the State of New York and also that of the United States?

Mr. NEWTON. No; not all of them. Many of them are ignorant men that have been brought to believe that they could have the luxuries which you and I possess if they come with them and join with them in carrying out this scheme. And without it they can never have them.

Mr. IGOE. The statements have been made in the West that people have joined these associations through misrepresentations. It has been published, or claims have been made by these men——

Mr. SMITH. I think some by fear, too.

Mr. IGOE. That is another proposition. For instance, the statement was made that one joined some association to accomplish a very good purpose, having no idea that it was an anarchistic organization, which in fact it was. And I wonder if these people in New York that you speak of, whether they really believe in that, knowing the purpose of it. Of course, the leaders do.

Mr. NEWTON. I am charitable enough to say, Congressman, I think a great many who can't read and know nothing about our form of government, ignorant aliens, have become members of this organization without fully realizing the enormity of their act.

Mr. IGOE. Has any effort been made in New York to find out what these members really believe? It seems to me it would be valuable—not only interesting, but valuable—to find out the state of mind of the members who belong to these associations, and you have their names. Has any effort been made to ascertain at all the real state of mind of the people who have affiliated with these organizations?

Mr. NEWTON. I think of the ignorant members that there has been none. There has been none to my knowledge. The effort has been made to get the attitude of the leaders and what they are doing.

Mr. IGOE. And just let the other people go and continue their membership?

Mr. NEWTON. Possibly. To be frank with you, that has never been called to my attention before.

Mr. IGOE. It seems to me that education might well begin with those who have actually joined through ignorance and misrepresentation.

Mr. NEWTON. I think that may be true, but to bring in before our committee any one of these great classes, that hasn't been done.

Mr. IGOE. I understand. What is the use in putting in Americanization schools till you find out how this thing operates on these people? It may be true—I don't know whether it is or not—that a great majority of these people have been imposed upon and it may be that they fully subscribe and adhere to these things.

Mr. NEWTON. Of course, they certify over their signatures that they do know, but I am inclined to be charitable enough to say that I don't believe a good many of them do know.

Mr. BOIES. Probably they haven't had time to clean up all the phases of it.

Mr. NEWTON. I am afraid not.

Mr. DAVEY, a Representative from Ohio. If the committee would permit, I would like to ask two or three questions.

The CHAIRMAN. All right, Mr. Davey.

Mr. DAVEY. I understand that the Lusk committee raided the headquarters of the Soviet Bureau and likewise the headquarters of the Rand School. I would like to have you point out, if you will, the intimate connection between the Soviet Bureau and the Rand School, as well as the intimate connection between those two and the whole radical movement.

Mr. NEWTON. Well, of course, the Soviet Bureau was distinctly a representative of the Russian Soviet Government with Mr. Martens at the head; and I think in the raid of the Rand School that nearly every radical publication that was found in the Russian Soviet Bureau was found in the Rand School. And the Rand School claimed to be a school of social science and they are engaged in selling and sending out socialist literature to all the different branches of the parlor socialists, right-wing socialists, left-wing socialists, and in it were the publications, propaganda, manifestoes of the more radical classes.

Mr. DAVEY. For instance, did you find in the Rand School copies of the Revolutionary Age and the Communists Manifesto?

Mr. NEWTON. We found not only copies of the Revolutionary Age, but I think of every radical newspaper published in New York, and there are over 60 of them, as I was informed.

Mr. DAVEY. And these were on sale?

Mr. NEWTON. They were on sale at that school. I am not prepared to state as a fact that the Communists Manifesto was found in our raid on the Rand School. I would want to look at the record before I made that statement as a matter of fact. I am not certain.

Mr. IOOE. Was this platform of what is called the Third International being largely circulated by these societies?

Mr. NEWTON. Yes, sir.

Mr. IOOE. That is the main proposition to which they all pledge allegiance?

Mr. NEWTON. Yes; that is the starting point of all the radical organizations and they go from bad to worse.

Mr. IOOE. If they are affiliated with and subscribed to the doctrine of the Third International they are advocates of physical force and violence?

Mr. NEWTON. Absolutely.

Mr. DAVEY. Did you find a close and understanding connection between the Rand School and the Soviet Bureau?

Mr. NEWTON. Congressman, I can only express my opinion, and I don't think it would be valuable because, just as I stand here now, the details of that evidence are not in my mind. You speak about the Communist Manifesto. I think our raid of the Rand School was before the Communist Manifesto was adopted and, of course, we did not find it there. I think that raid was in June, and this Communist Manifesto wasn't adopted until September.

Mr. DAVEY. My reason for asking that question was because I had read in the Lusk hearings evidence showing that letters were passed back and forth between the Soviet Bureau and the Rand School.

Mr. NEWTON. Oh, yes; many letters; no doubt about it.

Mr. DAVEY. Showing a harmonious agreement between the two?

Mr. NEWTON. Yes; but whether or not there was an arrangement made whereby the Rand School had adopted all this Russian propaganda, I wouldn't state that as a fact without going over the record.

Mr. DAVEY. One more question. In the evidence secured at the Soviet Bureau, was it developed that an intimate touch was maintained with the various extreme radical organizations in various parts of the country?

Mr. NEWTON. Yes; yes. They had a card index there which showed—they had the names which we took away in our raid. The card index showed that they were carrying on a very large correspondence class, in which they were sending all the radical propaganda to them. You will understand that Mr. Martens swore that he was here to establish trade relations and that he was here, I think he said, with \$200,000,000 back of him—some very large sum—from his Government back there to buy various American products.

Mr. DAVEY. Has he made any contracts?

Mr. NEWTON. Not a contract could he tell of that had been made.

Mr. DAVEY. Did the evidence show that the soviet bureau was sending out emissaries to various radical meetings and received invitations from those meetings?

Mr. NEWTON. Yes, sir; Martens himself attended the meetings and made various speeches which we have reports of.

Mr. DAVEY. I want to bring out this point a little more clearly. As I understand, Mr. Martens and his assistant, Neorteva, swore that they were here seeking friendly commercial relations?

Mr. NEWTON. Martens did.

Mr. DAVEY. And that they had several hundred million dollars with which to establish trade relations?

Mr. NEWTON. Yes, sir.

Mr. DAVEY. And the evidence showed that not one contract had been made or approached?

Mr. NEWTON. I wouldn't say approached. None had been made. He gave instances where he had had prices quoted for large orders of shoes, and so forth, but no contract actually made.

Mr. DAVEY. You would hardly say a quotation of prices would be an approach to a contract?

Mr. NEWTON. He swore he had been endeavoring to make these contracts, but that he was prevented from making them because they couldn't get deliveries. I will be that fair to Martens; that was his testimony.

Mr. DAVEY. Here is another point I would like to bring out if the committee is willing. I understand from this same testimony that the soviet bureau got into contact with various business men throughout the country and held out the lure of business—always dangling before their eyes this several hundred million dollars in gold, and that they actually had a card index showing business men who had swallowed the bait, but as a matter of fact also not one

contract had been made, and with all the money they had it was not used for the purpose that Mr. Martens swore they were here for?

Mr. NEWTON. Wasn't a dollar used for that purpose and no contract made. However, as I say, he had written for proposals of certain quantities of shoes and in another place certain quantities of machinery, agricultural machinery, I think, principally, and had acknowledgments of his letter and statement of prices, and that is as far as it ever went.

Mr. H. J. GIBBONS, of the city of Philadelphia, Pa.—Mr. Chairman, may I ask a question?

The CHAIRMAN. Yes, sir.

Mr. GIBBONS. Mr. Newton, isn't the best way to meet their undesirable and fallacious propaganda by argument showing wherein the fallibility exists, by argument?

Mr. NEWTON. I wouldn't say it is the best way.

Mr. GIBBONS. Isn't it the most successful way?

Mr. NEWTON. I don't think so. I don't think it is the most successful way. I don't agree on the facts.

Mr. GIBBONS. If we show that, their argument falls.

Mr. NEWTON. I think to arouse the people that you have got to do more than that. The propaganda, I think, should be met by propaganda, but I think we should go further than that. I think it would be helpful to have the American people spend as much time and money in propaganda to sustain American institutions as this organization is spending to induce people to destroy it, but I think that the situation is such now that that in and of itself is not enough. It has been allowed to go to the extent that it needs a little other kind of medicine.

Mr. BONES. You wouldn't allow these 300,000 or 500,000 people in New York there—the question was asked if these three to five hundred thousand people were armed. I want to suggest it for the record that is it policy to allow the matter to drift to that extent?

Mr. NEWTON. I don't think it is policy to let it drift to that extent. I think that they have led some of these ignorant people to believe that they could take the city of New York and hold it for a few hours against the police force over there and they say if they could do that, then by solidifying all this element throughout the country they could take it and hold it for good.

I want to leave with Congressman Davey the last volume of the testimony of the Lusk committee and I have no doubt as he goes over it he may find something in it that he will think advantageous by way of information of sworn testimony and of witnesses, and if he does, he could have the opportunity of presenting it to you if he cares to. I don't know that he cares to.

The CHAIRMAN. We will try to meet again at 2 o'clock.

(Thereupon at 12.45 p. m. the committee took a recess until 2 o'clock.)

AFTER RECESS.

The committee reconvened, pursuant to the taking of recess, at 2.15 o'clock p. m., Hon. Andrew J. Volstead (chairman) presiding.

The CHAIRMAN. The committee will come to order. Proceed, Mr. Moore.

STATEMENT OF MR. JOHN D. MOORE, NEW YORK CITY.

Mr. MOORE. Mr. Chairman and gentlemen of the committee, I live in New York City. By profession I am an engineer. In politics I am an enrolled Democrat. I have not been in the past entirely without influence in my party in my State. For four years I was State conservation commissioner, under three Democratic governors. While, perhaps, that fact is not entirely germane, it may make some appeal to the minds of statesmen if I state that the salary of the position was \$10,000 a year, which is the same as the State pays Attorney General Newton, who just spoke. As I say, I am not entirely unknown in New York City, where I live.

Attorney General Newton spoke to you about grand juries of that county. There are generally two in session for the entire county of 2,000,000 of people. I was a member of the grand jury for many years and foreman of it twice. I am not a socialist; I am a radical; I am not a red. I am only a red, white, and blue, who thinks a great deal of America and wants to see her go along in the same old way when we were all happy and when there was not that discontent which is obvious to-day.

I go in exactly the opposite direction from Congressman Davey, the author of this bill, and Attorney General Newton. I would wipe out all the existing war laws. I would not add to them. You will recall I came down here to oppose some of them in 1917, in the critical interval between the breaking off of relations with Germany and the breaking out of the war. I think it is about time now that in this country we realized that this war is over. Somebody said here this morning that the war was not over. It may not be over technically, but we do not get any more casualty lists and appropriations are being gradually reduced. Those are the hall marks of war.

It is undeniable that in this country at the present moment there is a certain type and extent of panic over this question of possible disorder and danger to the Government. The panic, in my judgment, is very largely journalistic; to a much less extent, I am glad to say, it is legislative and congressional. But the panic is nearly all over, Mr. Chairman.

Attorney General Newton made a statement this morning which bears its refutation right on its face. He said that the Lusk committee—on the un-American character of which he was relatively silent—has estimated that inside the city of New York alone there are between 300,000 and 500,000 violent, virulent, bomb-throwing reds who want to destroy this Government by force. During the recess I took a look at the census reports.

Mr. HUSTED. I did not get that impression from his statement, that there was between 300,000 and 500,000 violent bomb-throwing reds.

Mr. MOORE. He said there were that many who want to upset this Government by force, though not all of them adhered to the Communist Party. I do not think he used the word bomb-throwing. I quote merely the gist of his statement.

Mr. GARD. He said that there were many who did not believe in any form of government and would destroy the Government by force.

Mr. HUSTED. I did not understand him to go that far.

The **CHAIRMAN.** He said they might follow their leadership, as he explained afterwards.

Mr. MOORE. In the city of New York we have a population of 6,000,000 people. I looked at the census reports in your office, Mr. Chairman, and I find that 60 per cent of those people are 21 years of age and over. That brings the total number of adult men and women down to 3,600,000. Obviously, most of these "Reds"—I will not characterize them by stating whether they throw bombs or not—must be men, because we certainly are not much afraid of the other kind, the lady "Reds." Half of the 3,600,000 New Yorkers are women. That brings it down to 1,800,000 men, which is somewhat in excess of the vote of New York City. When we had only manhood suffrage in New York we had about 750,000 registered voters. In other words, getting down to the basis of men, one man out of every 3.6, or 10 men out of every 36 men, are "Reds." That's absurd.

Now, I know New York City better than any man from a little up-State village like Geneseo knows it. I know about the extraordinary grand jury you heard about from Mr. Newton. He did not tell you much about that extraordinary grand jury—that it sat from last summer until it was driven out the other day in something closely resembling a public scandal.

The grand jury was convoked to investigate anarchy and indicted four or five men on those charges and then what did they do? They turned around and investigated the district attorney of the county of New York and Mayor Hylan and there was a battle lasting for months in which finally the grand jury had to surrender abjectly. They went after anarchy, to investigate it. They abandoned their anarchy hunt. They started an investigation of what they mysteriously referred to as "an overshadowing crime." On their own statements authorized by the grand jury itself and made public, the "overshadowing crime" vanished into thin air.

There is, I note, a difference of opinion among attorneys general. Mr. Newton of the State of New York says there are 300,000 to 500,000 Reds in New York City; Attorney General Palmer says there are 60,000 in the entire Union, a very material disparity.

The **CHAIRMAN.** That is not a fair statement of what Mr. Palmer said.

Mr. MOORE. He said they had record of 60,000.

Mr. HUSTED. Attorney General Palmer said there were 60,000 communists alone and more than that in the Communist Labor Party who believed in the Communist Party.

Mr. MOORE. I remember a statement he made that he had a record of so many. I think it was before a Senate committee.

Mr. HUSTED. I simply refer to the statement he made before this committee, when he said that there were 60,000 members of the Communist Party, in his opinion, and then said there were more members of the Communist Labor Party than of the Communist Party. He did not refer to other organizations of radicals.

Mr. MOORE. But even so, there is an enormous gulf separating those two estimates. As I stated at the outset the war is over, and the people, as I know them, and as they have strikingly shown in the

last three or four elections, the people want to get rid of this war stuff. They want to forget it. They want to wipe it out and get it back into the past as fast as they can.

I would like to revert to these 60,000 reds, or 300,000 reds, and to submit to the committee Judge George W. Anderson's statement in Boston. Judge Anderson was Federal district attorney in Boston up to the end of 1917; then he became a member of the Interstate Commerce Commission, down here, after which he was appointed Federal judge in Boston, and he said, and I will quote this one statement and would like to have the privilege of putting the rest of it in the record; it has deep significance.

The CHAIRMAN. Yes.

Mr. MOORE. Judge Anderson says:

It is my best judgment from all the information I can get that more than 99 per cent of the disturbances and reported pro-German plots never existed. I think that it is time publicity was given to this view. I doubt the red menace having more basis in fact than the pro-German matter. It is a significant fact that many of the same persons who inspired the talk of pro-German plots are now promoting the red propaganda.

Mr. IGOE. When was that delivered?

Mr. MOORE. Within the last two or three weeks before the Harvard Liberal Club; within a month, I think.

With the permission of the chairman, I will insert the full statement of Judge Anderson as it appears the World To-morrow of February—this month:

(The statement referred to follows:)

FEAR, NOT FREEDOM, OUR REAL DANGER.

[By George W. Anderson, United States Judge, Boston, Mass. An address to the Harvard Liberal Club in Boston.]

It is a fit and proper time for really liberal organizations of every kind to consider and discuss freedom of speech and the other great guaranties of liberty. It is a depressing, almost an appalling, fact that, as an aftermath of our "war to make the world safe for democracy," real democracy now seems unsafe in America. It is increasingly clear that America's loss of valuable lives and of money in this war was as nothing compared with her loss of moral, social, and political values.

I shall enter upon no accurate and detailed discussion of the constitutional limits of free speech. It may be desirable that a citizen, who is also a judge, should not allow his mind to crystallize on some of the finer shades of that question. But I do now want to voice a protest against the prevailing propaganda of fear and hysteria which has led to most of the present agitation concerning limiting the freedom of speech, hitherto, on practical grounds, exercised without much regard to constitutional or even proper legal limitations. We and our English brethren have been accustomed, and probably wisely, on grounds of expediency, to allow a freedom of speech plainly exceeding the constitutional limit. Now, most of the fear out of which perhaps dangerous limitations of this precious right are being advocated is, in my opinion, almost groundless. Many—perhaps most—of the agitators for the suppression of the so-called "red menace" are, I observe, the same individuals, or class of forces, that in the years 1917 and 1918 were frightening the community to death about pro-German plots. I want to say something about the pro-German plots and their danger to America.

I ought to know something about those plots. It was my duty to know as much as any man in New England could know. As United States attorney from November, 1914, to October 15, 1917, I was charged with a large responsibility as to protecting this community from pro-German plots. In October, 1917, I went on the Interstate Commerce Commission; and was until the armistice in intimate personal association with the Attorney General, and with the men charged with responsibility as to discovering, preventing, and

punishing pro-German plots. What I now say I say entirely on my own responsibility, but I say it after exchanging views with many others having analogous responsibilities during this war period. If in fact the pro-German plots were no adequate basis for public fear, and for legislative and official activities against the right of individual and social liberty, it is quite possible that "the red menace," promoted in large part by the same notoriety-seeking individuals and newspapers, ought not to frighten us to death.

Now, I assert as my best judgment, grounded on the information that I can get, that more than 90 per cent of the advertised and reported pro-German plots never existed. I think it is time the publicity was given to this view. I doubt the red menace having more basis in fact than the pro-German peril. I assert the significant fact that many of the same persons and newspapers that were faking pro-German plots are now promoting "the red terror."

Let us stop being scared at our own shadows. It is a time for calmness, for critical and dispassionate search for truth, for facts. We are overfed with alarming rumors and wild imaginings. One aspirant for high office issues a pamphlet wildly inquiring whether "America is worth saving." It is, and it is fairly safe; even if he is not elected to the office to which he aspires. There will be no sunstrokes in Massachusetts this month. There will be no red revolution this year.

I can not say there will not be some bomb thrower. A fraction of 1 per cent of the pro-German plots actually existed. There are reds; probably there are dangerous reds. But they are not half as dangerous as the prating pseudo-patriots who, under the guise of Americanism, are preaching murder, "shooting at sunrise," and to whom our church parlors and other public forums have hitherto been open.

President Hadley advocated some years ago social ostracism as the punishment for antisocial money getting. Personally, I doubt the desirability of dealing by law with the pseudo-patriot orators who would murder by shooting first and have trials afterwards. But I do seriously suggest that the social ostracism that President Hadley advocated as to antisocial money getters should be applied by our churches, clubs, and other public forums to the hypocritical and noisy un-Americans who in this community for some years have, unchecked, been advocating crime and violence.

Real Americans, men who believe in law, order, liberty, toleration of others' views on political and religious subjects, are not given to advertising themselves and their patriotism. They have too much respect for Americanism and for patriotism to disgrace these fine words as they are being daily disgraced by those using them for personal or political notoriety, or even in some instances as weapons in industrial conflicts.

The heresy hunter has throughout history been one of the meanest of men. It is time that we had freedom of speech for the just contempt that every wholesome-minded citizen has and should have for the pretentious, noisy heresy hunter of these hysterical times.

The CHAIRMAN. Proceed, Mr. Moore.

Mr. MOORE. During the war while he was district attorney, Judge Anderson was known for his conservatism and patriotism.

It would be interesting to note how the efforts of the witch hunters have resulted in this country, and particularly in the city and State of New York. During 1917 and 1918 Mr. Newton had as his chief, his friend and neighbor, Attorney General Merton E. Lewis, of Rochester. There was another assistant, a man named Alfred Becker, of Buffalo. They are all Republicans. Lewis and Becker turned witch hunters. Just before the close of the last Congress they came down here and helped the ridiculous Democratic majority of the Senate Judiciary Committee to investigate so-called pro-German plots. They confined themselves to investigating Democrats, which was a novel kind of politics for me. They did that silly, political trick after the war was over and went through all the motions of old-fashioned heresy hunters and got great publicity. On the record they made here, Mr. Becker ran for attorney general

against Mr. Newton, who has addressed you, and Attorney General Lewis ran for governor against Whitman in the Republican primary. All that the people wanted was to have primary day come along. It came and Mr. Lewis and Mr. Becker have dropped into a political obscurity from which nothing will ever rescue either of them.

After the war began Mayor Mitchel, a very famous man in the city of New York and in the Nation, too, adopted all the repressive measures of which Mr. Newton spoke this morning. He would not permit anybody he did not like to meet in a hall, would not let Irish meetings be held. Incidentally, I forgot to remark in beginning my statement here that I was national secretary of the Friends of Irish Freedom, in which I have been active, and in the campaign for the Irish cause I ran up against Mr. Mitchel, who forbade us to hold meetings in behalf of Irish freedom. Mr. Mitchel had been elected in 1913 by the largest majority that any man ever received in New York City, a majority of 122,000 votes, but when election day in 1917 came along Mr. Mitchel ran on his war record, backed by a fusion of all anti-Tammany elements, and ran very badly indeed. He was beaten by Mayor Hylan and got less than one-fifth of the votes, although it was in the most active period of the war, November, 1917.

Now, with him and behind him in this policy of repression stood Gov. Charles S. Whitman, who was even more warlike than Mitchel was. Whitman certainly had no difficulty beating Mr. Lewis in the Republican primary, but his deep water came when he got to election day. Mr. Whitman had been twice elected governor of the State of New York. If he could have gotten over that election day hurdle in November, 1918, you Republicans would not be discussing now whether Mr. Lowden, Mr. Harding, Senator Poindexter, or Gen. Wood should lead your party next fall.

Mr. Whitman would have been the only candidate. Where is he now? Whoever mentions him? He was beaten by 270,000 votes in the city of New York alone by Alfred E. Smith, Democrat. At that time we had woman suffrage, so the majority was naturally larger than it would have been under manhood suffrage.

The Democratic Gov. Smith did not learn anything from the fate of these Republicans. Neither did the Democratic Mayor Hylan. They continued this same oppressive policy, and in November, 1919, we went to the polls again. This time I was out openly against the whole crowd of them because I knew exactly how the people felt on these things, and it seemed to me a political necessity to demonstrate that these things were not to be tolerated and should be effectively rebuked. The public just naturally looks to you for the welfare of the whole Union, and I believe that this ought to be brought to your attention.

Mr. GOODYKOONTZ. Do you mean that the war is not very popular in New York?

Mr. MOORE. But in the war we fought to make the world safe for democracy, and there ought to be a little democracy at home, now at any rate. I do not know how it is in West Virginia, but I know how it is in New York. I started to say we should look out for these things at home.

Mr. GOODYKOONTZ. I would not like to make your sort of campaign in West Virginia.

Mr. MOORE. You are probably going to make some sort of campaign in West Virginia this fall, and I will watch the result with interest.

What happened to this Democratic majority of 270,000 during this last year of the Hylan administration? It disappeared completely, and a Republican majority of 1,636 took its place. Tammany Hall was beaten in the county of New York for the first time in its history in a two-party political fight. They have been beaten with fusion, but never when it was a straight Republican-Democratic battle. Tammany lost the county of New York by 12,000 and lost the city of New York by 1,600; lost three counties out of the five and the two counties they carried were the smallest of the five. One of them has a population of 30,000 to 40,000 and the other 200,000.

In other words, while the people are more or less inarticulate and while they read silently this propaganda stuff about reds and Bolsheviks, etc., they are doing what used to be called "a powerful lot of thinking," and when they get to the ballot box they can do a powerful lot of voting. A lot of gentlemen who have denied the people their accustomed outlet for expression of opinion on these things, forgetting that the people are readers and not followers of newspapers, will wake up the morning after election to find they have been elected to some job in private life.

Where does this antired, antiradical propaganda come from and why has there recently been such an extraordinary subsidence or diminution of this propaganda? Who is putting on the soft pedal? I have my suspicions. Why have the newspapers that boosted the pro-German plots boosted these mythical red plots? Because their inspiration comes from the same source, and that source is not far from London.

I am going to call your attention to some things which might interest you. They appear to me to be extremely significant, and I think they are important enough to deserve at least a place in the record of this hearing. While Congressman Johnson, who spoke here this morning, and some of his colleagues were at Ellis Island to investigate the "red peril," getting a great deal of publicity for themselves, Attorney General Palmer was piling up at the immigrant station there a lot of "reds," afterwards deported on the *Buford*.

The *Buford* sailed away with 249 deportees, and on the precise day she landed them at Hango, in Livonia or Esthonia, or whatever the place was—on the precise day that the *Buford* landed over there these 249 people that hated America like poison because they were fired out under no very gentle circumstances—on that very day England, acting through the supreme council at Paris, removed the blockade of Russia. Since then you do not hear any more propaganda about arresting Martens, the Soviet ambassador. He was going to be arrested to-night, to-morrow—"we will get him in the morning," was what we read every day. Attorney General Palmer

gave out a statement that a warrant had been issued for his arrest, and on the 8th of January I telegraphed President Wilson this:

For the sake of America's good name I urge you to countermand the order to arrest Mr. Martens or order his release if he has been arrested. Only a few months ago England arrested Litvinoff. To-day Litvinoff is at Copenhagen negotiating with representatives of Lloyd-George, ostensibly for the exchange of prisoners but probably something far more important. Surely, if Mr. Martens must go, there is a better way to get rid of him than from compulsion or arrest.

I never saw Martens; I do not know one of his crowd, and never came in contact directly or indirectly with him. Since I have been in Washington, only last night, I declined to meet him because I wanted to be able to tell your committee that I did not know him. I knew some one would ask if I did know him, and when I met him, then everybody would laugh. I didn't want that. I never saw the man and never had any connection with him one way or another. But when that cry to arrest and deport Martens was at its height this deal was made by England to raise the Russian blockade.

Now, Mr. Newton said this morning, and he made quite a point of it, that he did not find any contracts for the purchase of American goods in Martens's office, but did find an approach to same. Mr. Davey said, "you don't call getting a quotation an approach to a contract, do you?" I know that in business that is one of the first approaches you make—when you quote your price. Mr. Newton did not disclose this, although it has been publicly charged in the State of New York and has not been denied; he did not tell you that when the Martens offices were raided 3,500 letters were seized and afterwards photographed. He did not tell you that a man named Nathan, a Roumanian Jew, one of the sharpest and shrewdest British secret agents, was in the raiding party of the New York State legislative committee. He did not tell you that 3,500 photostat copies of these letters were handed over to Mr. Nathan, who took them to London and within a short time took them to Copenhagen to the Englishmen dealing with Litvinoff. He did not tell you that these photostats were photographs of letters from and to American firms communicating with Russians that wanted to buy stuff and American manufacturers who wanted to sell and contained the prices the Russians were willing to pay, and that they were turned over to the English.

Why, we are children in the hands of those fellows. It is almost mirth provoking to see the way these English people do us; they leave us at the post every time. After they have conducted a blockade of Russia for nearly two years they induce us in America, in New York, to raid this soviet establishment and secure those letters for them, and now we see they are going to raise the Russian blockade. Within a few days I read in a New York paper that "the Russian people were awakening. Russia is coming to itself."

Mr. Newton made a great point of the fact that no contracts were found. How in the name of heaven can you make contracts with men when, as Assistant Secretary of State Phillips said, representing our State Department, "We have no blockade against Russia; we have merely followed a policy of nonintercourse." What's the difference? You can not ship now to Russia; you can not sell to them nor are they allowed to buy.

The CHAIRMAN. Who was making that raid?

Mr. MOORE. The Lusk committee. I wish Mr. Newton had told you all about the Lusk committee.

The CHAIRMAN. What pro-English did you have on that committee?

Mr. MOORE. What pro-English? You had real English; no pro-English, in this fellow Nathan.

The CHAIRMAN. How did whoever happened to be in charge of this raid come to turn these photostats over to him?

Mr. MOORE. Why did we turn over the United States Treasury to Nathan's superiors during the war?

The CHAIRMAN. I would like to know some reason for it.

Mr. MOORE. I have been in the Irish cause since I was five years old—

The CHAIRMAN. I am looking for the facts in this, and the curious thing to me is why they would do these things.

Mr. MOORE. This hearing is before the judiciary committee. Am I called to pass upon that Congressman?

The CHAIRMAN. To us it is a bit astounding that Americans should raid that office for the benefit of England.

Mr. MOORE. I am glad to see that it astounds you. But I reply by saying it does not astound me for a moment.

The CHAIRMAN. Don't you think it astounds somebody besides you? We would expect you to give us a reasonable line of facts, and I would like to know what explanation there is.

Mr. MOORE. Well, I will tell you: It is the same explanation that makes your Republican colleagues in the Senate now ready to jump because Lord Grey has snapped the whip over in London—all but the irreconcilables, who are patriots.

The CHAIRMAN. How about their Democratic colleagues over in the Senate?

Mr. MOORE. I renounce those birds completely—all but Reed, Gore, Walsh, and Shields—they are Americans.

The CHAIRMAN. Go on.

Mr. IGEE. Please continue on the Republican end of it.

Mr. MOORE. I must devote myself to the majority; Mr. Igoe, when you were in the majority I devoted myself to you. [Laughter.] I can not prevent the chairman and his party from marching through a slaughter house into an open grave if they want to do it. I am simply telling him that they are doing it.

The CHAIRMAN. You see I have some doubt about the Americans being so foolish as you suggest.

Mr. MOORE. Do you know, Congressman, or can you tell me how America stands for a moment—what is the secret of Britain's power here? Can you tell me why in this war we built hundreds of little torpedo boats while the British were building huge 35,000 ton battle-ships? Whether that was in our interest or somebody's else? Why is it that when there is any discussion between us and an English coterie it always turns out that the Englishman gets away with the bacon? England went into this war, Lloyd George said, on the 10th of November, 1914, and he did not make any ordinary soap-box politician's speech. He said: "As the Lord liveth, England does not covet one yard of territory." And on the 15th of February following

he said: "The charge that we are in this war for territorial aggrandizement is a lie of the enemy," and nearly everybody over here applauded it. What happened? Lloyd George was right. When they remade the map of the world at Paris, England got away with a million and a half square miles, not a yard. That is how the thing happens. The English are always three jumps ahead of the rest of the world when it comes to intelligence. I thought Uncle Sam was smart, but when he associates with Englishmen the comparison is frightful.

The CHAIRMAN. I still take some pride in America.

Mr. MOORE. So do I, but I know the English are in a class by themselves as negotiators. That's the result of centuries of world experience. Our Americans went to Paris and fell among thieves. I am credibly informed—I do not know of my own knowledge whether it is true or not—that when Mr. Wilson came back from the peace conference he sent an awful lot of stuff to the laundry, but there was not a single shirt in the bundle.

I see Mr. Husted sits there. I was interested in the questions that he asked this morning. His father was known all over the State of New York; he was in the State Assembly for years. They called him "the Bald Eagle of Westchester." His picture I have seen a great many times in the assembly parlor. I wonder how James S. Husted would have acted if he were here. He was speaker of our assembly. I wonder how he would have acted down here, whether he would not have stood up on the side of sanity, on the side of the ordinary fellows in a time like this, instead of going mad over nothing.

Don't you see what the game is? Don't you see the scheme is to create a gulf of hate between us and Soviet Russia? We hate the Bolsheviki terribly. We are great haters over here. Do you realize that England fought against and destroyed every nation that she fought alongside of in this war, at some previous time in her history? Her hates all disappeared with the passage of time. Trade was resumed.

Now, who are the Bolsheviki? They are going right along running their own country. They have cleaned up everybody. There is nobody left to oppose them. Kolchak was "the supreme ruler of all Russia." No one knows his present address. It is a country bigger than ours, so he could have an address in it if he was there. Denikine, the last we heard from, was on a boat in the Black Sea, headed, nobody knows where. The Bolsheviki are over there and they have got their enormous country. It is going to be a voracious consumer of commodities and a great producer of commodities, particularly flax for the north of Ireland. The British began to cultivate them as customers long ago and with their accustomed cleverness have made a gap between the Russians and us. We have sent over to them 249 apostles of hate. The English come with the olive branch and say, "We are sorry for all this; there has been a dreadful mistake. You have licked everybody in sight and we forgive you. Now, let us get together and do business."

You see why we Americans get left. It is because of our generous, trusting disposition over here. But we Irish-Americans know these English. We have reason to. We have fought them and their treaties in Congress for 25 years and every time we have beaten them,

and, I think, we will beat them again now. We have been able to convince the American public that the English are all right on their side of the ocean, maybe; but they have got no business over here, and the less we have to do with them, the closer we stick to George Washington, and the further we get away from Woodrow Wilson, the better it will be for America.

Are there any questions? If so, I will be glad to stay and answer them. I do not want to run away too abruptly, but I must catch the 3 o'clock train to New York to preside at an Irish loan meeting.

The CHAIRMAN. We are obliged to you for your statement. If there are no questions we will proceed to hear Mr. Kane.

Mr. MOORE. I thank you, gentlemen.

STATEMENT OF MR. FRANCIS FISHER KANE, UNITED STATES ATTORNEY, PHILADELPHIA, PA.

Mr. KANE. I come before this committee with a great deal of diffidence, but at the same time because I felt that it was my duty to come. I am the United States attorney for Philadelphia and have held that office for six years, having been appointed by a very great man, who is now sick at the White House and whom I do not like to hear criticized. I come before you because of an honest disagreement with the policy of my chief, Mr. Palmer, and I am, however, his United States attorney for the eastern district of Pennsylvania, my resignation having been accepted by the President but my successor not being appointed. But I must not be put in a position of attacking the administration more than is covered by the protest against certain policies, and which, of course, I made plain in my letter of resignation to Mr. Palmer and in my letter to the President; but, inasmuch as causes are considerably bigger sometimes than men, and inasmuch as I have taken a very decided position on this subject, I think that I ought to come here and answer any questions that you may want to ask me as to why I have done this somewhat extraordinary thing. I make this somewhat elaborate introduction because I can easily imagine that you gentlemen would otherwise hardly understand why the United States attorney in Philadelphia should come here before you and should apparently butt in, as it were. I was asked to come here by an organization that is interested in the defeat of these measures, and, as I had taken a very decided stand against any continuance of the espionage legislation in time of peace, I thought it right to come.

Mr. CURRIE. What organization requested you to come here?

Mr. KANE. The organization known as the Popular Government League. I was first called over the wire, and then the invitation was courteously renewed, and I understood this was a public hearing and that I might have something to contribute.

Mr. IGOE. What is the organization?

Mr. KANE. It is an organization of which, I am sorry to say, I knew very little. I think it represents various reform movements, and among others this movement now of a freer attitude toward speech and toward the press. Am I right, Mr. King?

Mr. JUDSON KING. I might explain the purpose and personnel of the organization if the committee desire it. I am the secretary of

the National Popular Government League. Senator Owen, of Oklahoma, is the president of the league. It is for progressive legislation.

Mr. HUSTED. I would like to ask the Federal attorney, if I may at this time, whether he is opposed to any legislation to suppress anarchy in this country?

Mr. KANE. No. That would be going too far, sir; but no additional legislation. I think that we have enough at present, with the State acts that exist in those districts where the situation has been acute. We have, for instance, in Pennsylvania a State act which went further than I thought necessary, and there is in New York, I understand—I have heard you have an act there—but apart from that, it would seem to me that we have enough legislation, as I read the law, in section 6 of the Penal Code, together with section 4, which is the "individual" section, in reference to insurrection against the Government. Section 6 has to do with conspiracies. Then there is section 4, which answers Mr. Palmer's statement that there was no law covering individual action. Then there is, furthermore, a most salutary provision in the Federal law to which I want to allude a little later.

Mr. HUSTED. Are you opposed to any Federal legislation to suppress the advocacy of anarchy? The Attorney General says there is no legislation on the statute books to suppress and punish the advocacy of anarchy, and I would like to ask you whether you are opposed to any legislation along that line.

Mr. KANE. I think at this time it is quite unnecessary here. I am not sure that the time may not come when the mere advocacy of anarchy may need additional legislation. My position is that there is enough law on the subject; that we are suffering rather from too much law than too little. On the general subject, of course, I make a distinction between anarchy and radicalism.

Mr. HUSTED. What statute is that to which you have reference to sections 4 and 6 of the Penal Code?

Mr. KANE. The act of March 4, 1909, which is known as the Penal Code. Section 6 is the principal one. The other is a section of a judicial act which was originally in the Revised Statutes.

The judges of the Supreme Court and of the circuit court of appeals and district courts and United States commissioners—

The committing magistrate, always available—

and the judges and other magistrates of the several States who are or may be authorized by law to make arrests for offenses against the United States shall have the like authority to hold to security of the peace and for good behavior in cases arising under the Constitution and laws of the United States as may be lawfully exercised by any judge or justice of the peace of the respective States in cases cognizable before them.

Now, sir, if the man is advocating force and violence, I can not see why he should not be put under bond to keep the peace.

Mr. HUSTED. Does that authorize a bond?

Mr. KANE. Yes, sir; the old-fashioned common law recourse which is had under State laws.

Mr. IGOE. Under what law would you hold him to keep the peace?

Mr. KANE. As I understand it, he would be a member of a conspiracy. He is advocating insurrection. He is dangerous from that point of view. He is getting confederates. Of course, unless he had confederates he could do no harm.

Mr. IGOE. Under what law would you get him as an individual?

Mr. KANE. That is immaterial, because, as an individual, until he got somebody to act with him he could do no harm. But what all these people are doing, or objected to as doing, is conspiring. Of course, there is such a thing. In this great United States it would be inconceivable if there were not some people who do believe in overthrowing this Government by force. You will have men so acting who are native citizens and can not be deported under the deportation statute. You want to punish him. You have there a statute which permits that the man be put under heavy bail to keep the peace and to obey the law, not to associate himself with other people in such a conspiracy.

The CHAIRMAN. In an examination of the United States statutes that I have made in connection with this matter, I do not see how you could put them under bond under that statute. He has not been guilty of any known crime—except you can arrest him, provided he is guilty of some particular crime. It does not define a crime.

Mr. KANE. The magistrate does it in Pennsylvania where the man is dangerous and is going to commit a crime.

The CHAIRMAN. Can you bind him over because he is threatening to commit a crime or to instigate a crime under the laws of Pennsylvania?

Mr. KANE. Yes.

The CHAIRMAN. But this being a Federal offense you would first have to have a statute and then you would bind him over to abide by the consequences?

Mr. KANE. That is it.

Mr. GARD. The contention of the Attorney General is that that section would not apply because there is no particular section upon which that action could be based?

Mr. KANE. My thought, sir, is that he would be about to violate section 6 of the existing penal code.

The CHAIRMAN. Supposing he was not liable under section 6 because you could not show conspiracy.

Mr. KANE. If you can not show conspiracy the man ceases to be dangerous, unless he is violating a State law. For example, suppose he is going about with a gun and therefore a dangerous man. He can be put under bonds to keep the peace.

Mr. IGOE. In that connection, where you say he would not be dangerous, do you mean that you would not punish him until he has convinced others and gotten them to associate with him?

Mr. KANE. I mean if you had reason to believe that he was about to do this thing you would bring him before the United States commissioner and affidavits could be made and evidence presented to the commissioner to that effect, and then he would be required to give bond.

Mr. IGOE. If you had reason to believe that he was about to do what?

Mr. KANE. To violate this act?

Mr. IGOE. Which act?

Mr. KANE. This provision in the statute, section 6.

Mr. GARD. That is not a particular act. The act that you read does not define any crime. That confers jurisdiction upon courts and commissioners.

Mr. KANE. This section 6 does?

Mr. GARD. Section 6, the conspiracy section.

Mr. KANE. If he is about to commit a crime, of course, he can be bound over.

Mr. GARD. But the intent does not. That is the contention of the Attorney General, if he incites to anarchy. Suppose some man stands down here and seeks to incite people to destroy the Capitol, just bawls out in that kind of language, and says "Follow me."

Mr. KANE. Then, sir, he has violated section 4 of the penal code.

The CHAIRMAN. Oh, no. Under section 4 it would be necessary for him to act, to incite insurrection or rebellion.

Mr. KANE. But if he incites, there is the fact that he is assisting or engaging in rebellion and insurrection.

The CHAIRMAN. But you have to show either rebellion or insurrection first.

Mr. KANE. I take it that these gentlemen who are advocating the sedition law believe in such a rebellion or insurrection. I, for one, do not believe in it as they believe in it. I do not mean to say that there are not people here, either wild or crazy people, who have been driven into that condition of mind, people who are wild with this idea of a soviet republic. Such people do exist and that is a danger and we must recognize it in the individual cases, but I do not believe, as the attorney general of New York believes, that there is this organized rebellion in this country; I do not believe it. I have not seen any evidence of it.

Mr. HUSTED. In response to a question which I addressed to the Attorney General of the United States he stated that if a man right here in the District of Columbia in a public meeting should get up on a platform and advocate the assassination of officers of our Government for the purpose of overthrowing the Government that there was no statute under which he could be punished. Now, I would like to ask you, assuming that is correct, whether you do not think that Congress should enact a statute under which the man advocating such a doctrine should be suppressed?

Mr. KANE. If we grant that there is no such statute, I believe that there would then be a question whether such a statute is not needed, but I disagree with my chief, Mr. Palmer. I would point him to section 4, which reads:

Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof or gives aid or comfort thereto shall be imprisoned not more than 10 years or fined not more than \$10,000, or both, and shall, moreover, be incapable of holding any office under the United States.

That is section 4, to which I have alluded to before.

Mr. GARD. As the chairman said, it is necessary to prove that the insurrection or rebellion was incited. Now, there is no law which governs in attempts to incite insurrection or rebellion.

The CHAIRMAN. Let me call your attention to this in connection with that. Suppose he goes down here in the street and tries to incite a mob to come up here and burn the Capitol. That is not insurrection or rebellion.

Mr. KANE. No, sir; that is for the District of Columbia, and the district attorney for the District of Columbia being informed of it has the man examined mentally or puts him under bond to keep the peace.

The CHAIRMAN. Would it not be proper for the Federal Government to have laws to protect its own property?

Mr. KANE. Yes.

The CHAIRMAN. Supposing he says, "Follow me and we will go up here and surround this Capitol, keep the Members in, and throw bombs into the House and kill them." That would not be insurrection or rebellion.

Mr. KANE. As to that, you ought to have a very different statute.

The CHAIRMAN. It does not come under section 4, so far as I know, or under any section that we have got, and the question is whether we ought not to be in a position where we could protect ourselves as officers of the Government. That is the real question in this contest.

Mr. KANE. Mr. Chairman, you have put your finger on what I think is a weak spot in our Federal legislation. You will find, I think, that there is nothing to protect Federal property from malicious mischief, just because it is Federal property, other than the sabotage act which was passed during the war. There are, of course, provisions in our Federal penal code punishing the burglary of Government buildings, or the theft of Government property, but I do not think there is any statute punishing the molestation of Federal real property. For example, if a man should apply a torch to the Federal building in Philadelphia he could be immediately arrested for arson under the State law, but he would not be amenable to any Federal law that would punish him, although if he took a single penny of property or a single article of stationery away from my office there in the Federal building he would be amenable to the Federal law. The sabotage act, which, I think, ends with the termination of the war, was passed to cover the destruction of property in the case of the munition manufacturer or the contractor working under a Government contract, and it also covered Government property; I am quite sure it did, but its life will end with the war, and it may be that under the laws of the District of Columbia here in Washington, as under the laws of the States, there is not sufficient protection given to Federal property. Mark you, that is a very different thing from magnifying the thing into rebellion, which it seems to me we ought not to do, unless we are absolutely sure of our facts.

Mr. HUSTED. As I understand your statement, your sole objection to legislation to punish the advocacy of the use of force and violence to accomplish the destruction of our Government is because you say there is now sufficient legislation in existence.

Mr. KANE. Yes.

Mr. HUSTED. Now, the Attorney General of the United States says there is not sufficient legislation in existence. That being the fact, what objection could you have to the passage of a statute that would put that question beyond all doubt?

Mr. KANE. If it is limited to that, I think I would have no objection at all because we will all agree that that is a very great crime, and it would be idle, I think, to say that there had not been instances

of it or that it would do no harm. There would be no objectionable side products under a law so limited. I have something to say about that. I can not think of a better phrase than "side products"—the side products of district attorney's offices and the courts, or of the Labor Department, if you will, in enforcing deportations; evil side products which you, in your wisdom as legislators, ought to guard against.

That is my objection to a Federal sedition statute. Now, of course, it is unnecessary to add that the condition might be so serious as to require such legislation with its attendant evils. I, for one, do not think that the situation now calls for such laws, and I believe you will do much more harm than good by the passage of such an act even as Mr. Davey has skillfully drawn. I think that even the first section is going too far. I would like part of it changed, but then to go on and punish the spoken or printed word that incites to all that is contained in the first section is going much too far. I also think that it is going much too far to provide that after the sentence, we will say, of a few months, which the judge might impose in the case of an ignorant alien, the alien shall be necessarily deported—taken from his wife and family if he has been living here for 10 or 15 years and more and banished for life. You will thus incidentally cause a great deal of suffering and stir up a great deal of trouble.

The CHAIRMAN. I agree with you on the deportation. I do not think anybody ought to be deported unless he is at least convicted of crime for which a judge will impose sentence sufficient to make it a deportable offense.

Mr. KANE. That is a very serious matter.

The CHAIRMAN. It might be imposed by law, but on the other hand—

Mr. KANE (interposing). I am very glad to hear you say that, because it is a very serious question which can not be brushed aside. When we were children we wondered why exile was such a terrible thing. I have now come to understand why the old Romans should have feared exile worse than death.

Now, may I come back, and, if I am not trespassing upon your time, may I in a very brief way make such a contribution to the discussion as I think might be expected from a United States attorney? There are two or three things that have been borne in upon me.

Mr. DAVEY. May I interpose at this point?

Mr. KANE. Yes.

Mr. DAVEY. There are two or three questions I would like to ask. The gentleman speaks about the horrors of deporting men, and I wonder if it is so if he considers it horrible to deport a man to the land and to the Government that he so much prefers, assuming that he has been advocating the overthrow of this Government and the substitution of the soviet system? Is it so horrible to deport him to the land that provides that system of government?

Mr. KANE. I can say that if he wants to go we will not waste any sympathy with him. I have been told a number have said they wanted to go who have been arrested in the recent raids; moreover, I know just the feeling of the native-born American in America who says it is well enough for us Americans to talk against our

Government, but we have no sympathy with you. "You came here, and you are now abusing the hospitality which we offered. You go back." But, looking at the thing in the broad, you can not dismiss it that way. With the man who has come over here and has been here two or three years, who came over here to agitate as some of these men have done, we have no sympathy at all.

With the man who came over here, however, to better his condition, who has struggled as many of these men have, I have in mind a man whose final sum of wages when recently arrested was \$100 a month and who had a number of little children, as many as six children, and a native-born American Methodist wife, who is, I think, not at all in sympathy with his wild ideas. He had been attending meetings with people like himself who were aflame with this idea of the soviet republic. His wife and children say he was a good worker. You are told, for instance, that he was such a lover of peace that he did not like to drown a kitten in his house, but had to get somebody to do it for him. Many of these people are of that kind. You may say what you like about it, but they are not fighters; they are not born that way. They have not a bit of Irish blood in their make-up, and it is pretty hard when you go up against the problem, and the problem is there, because a great many of them are poor stupid "galoots," who are being carried away by this wild talk and who are feeling now that, perhaps, America is not quite the place that it was cracked up to be.

Have I answered your question?

I have no sympathy at all with men who have come over here to make trouble, but I have the greatest sympathy with the people who have come here to live and who have been living decent lives and who do not really intend force. Of course, if they do intend force, it is quite different.

Mr. DAVEY. Is the gentlemen willing then, that these poor dupes, and I think in many cases they are the innocent victims of poisonous propaganda, is he willing that that poison should be continued to be used to poison those same kinds of dupes to pervert their notions of life and government to cause them to take an oath to overthrow this Government and all forms of government? Is he willing that that poison should be spread and continue to be spread?

Mr. KANE. I am not willing that it should be spread, no; because I believe that an antidote should be used, but this is not the antidote. I do not think you can get anywhere by legislation of this kind.

I have seen too much of it. I can tell you of my first socialist case, an espionage prosecution, which was absolutely necessary; there was no possible question as to the necessity for the prosecution because circulars were sent to people on the draft list. I had no sympathy with the woman who was convicted and sentenced, but I picked up a paper the other day and read that she was running for some office. She got a lot of notoriety, because of her sentence of three months in prison, which made her a martyr to the cause. I think her doctrine was absolutely pernicious; there was nothing that could be said for it. She believed it was right to resist the law. The case was like that of a young conscientious objector who in our court got up and said, yes, he did not believe in law. He

therefore got the maximum punishment under the law. If your object is the accomplishment of some specific thing as, for instance, the raising of an army, an army which is to be contributed to by everybody, a great democratic army, if your object is a specific thing like that, you may help in its accomplishment by sending people to prison under an espionage law. Your object in such case is not to convert people, not to get out of their minds this or that—not to show them that the idea of an industrial republic by one class, the proletariat, is an iniquity. You could not, for instance, by punishing the man that the Attorney General of New York spoke about get him to take a more liberal view of the millionaire who rides up Fifth Avenue in his automobile instead of having to take the subway. In other words, if you want to bring about a better belief, if your object is to convince people of the truth, you can not do it by punishing them. Temporarily, you can withdraw the poison but the poison is there unless you meet it by a real antidote.

Mr. HUSTED. You do not find any parallel between this legislation we are now considering and the espionage act, for example. The legislation which we are now considering does not in any way prevent the expression of political opinion of any character, however violent the change desired may be. It does not affect that at all. It is limited to the punishment of the advocacy of the use of force and violence, meaning physical force and violence, as the means of accomplishing these changes, but if they do not advocate force and violence as a means of accomplishing those changes then nobody can be punished under this legislation for the expression of political opinion of any character. They can advocate communism and soviet government and any form of government they please, and they are absolutely safe as far as this legislation is concerned, but they only come within its provisions when they advocate the physical use of force and violence as a means of accomplishing their purpose.

Mr. DAVEY. Right there I would like to call the gentleman's attention to the method by which yellow fever was stamped out. Medical science determined that there was only one way to destroy yellow fever and that was at its source. If I understand the position of the gentleman, he would be willing to have the germs of yellow fever propagated and spread and then attempt to meet it by some counter remedy.

Mr. KANE. No, sir.

Mr. DAVEY. And if I understand it correctly, he would be willing to have the torch carried with which to burn a building and the advocacy of the use of force and violence and the destruction of persons and property all up to the point where the actual overt act occurred and combat that with soft words. Is that correct?

Mr. KANE. No. That is going very far and stating a position which I do not see is mine at all. Let me take up first this thought of Mr. Davey's and then let me go back to the other question. I believe that modern medicine has made a great advance not in treating symptoms but treating causes, trying to get to the causes of diseases. Modern doctors tell us there are only two or three specific medicines which will really reach the causes. One of these wonderful drugs is quinine, which really does get to the cause of malaria,

and they admit that it is a specific; they use it in malaria. In yellow fever, I believe, the cause is in the transportation. If you shut yourself in and keep out of the way of the mosquito, you rid yourself of the cause of the yellow fever. That is the way to really cure disease.

Do you really think that discontent such as is manifesting itself now, and which has manifested itself always after a war, and after there has been a certain amount of upheaval of various kinds, do you really think that punishing people is meeting the cause of it?

Mr. DAVEY. I will answer the gentleman. I am glad you brought that up. This legislation is not aimed at discontent. It is aimed at one thing, the spreading of the poison of the kind referred to, which is the use of force and violence to overthrow our existing institutions of law and organized society. That is the cause to which we ought to limit our discussion, the poison emanating from paid agitators.

Mr. KANE. Let me get to that in another moment. Some people say meet propaganda by counterpropaganda. But you meet the evil best by removing the cause, and not merely by stopping the propaganda as propaganda. You have got to go to the reasons why a man is a propagandist and meet the evil that way.

But let me go to the objection raised a little while ago, if I may pass from one thing to another. You said that this act was simply directed to meeting the advocacy of the overthrowing by force and violence of the Government. I resigned my office as United States attorney because I thought that the communist raids—raiding people just because they were members of the communist party—was a mistaken policy and in the end would react unfortunately, and I did not want my party to stand for that sort of thing. I read very carefully, of course, the manifesto—or the program, I think it was—of the communist party. There is not one word in it of force and violence. I think that the attorney general of New York this morning was in error. I stand to be corrected. But I do not think there is one word of force and violence in the “program.” They do not dare put it that way, those who believe in force and violence. You have no idea how difficult it is to reach the real evil, and how ineffectual such legislation is. Let me speak of a particular case by way of parenthesis. I will tell you a story I heard the other day, in which I know of a man who is actually doing a lot of harm by his propaganda; a dangerous man, from our point of view, who advised another man not to become a member of the communist party because he had got a side “tip” that they would land him in jail. The man, not a member, is a much worse man than the man who is, and so the people who go to the halls we do not know anything about in New York are much more dangerous than if they were going to the 80 or more places the police had formerly under surveillance. What we are really aiming at we shall not attain by this legislation. That is the answer I would make you.

The Secretary of Labor has recently adopted in a communist case that has come before him the line of reasoning that, although there is no direct appeal to actual violence in the manifestos of the communist party, there is an implied appeal in them to the thing forbidden by the statute—the overthrow of the Government by force

and violence—and men are to be deported on the theory that by joining the party they have impliedly advocated the forbidden thing. In the same way, I think, persons will be convicted under the proposed act on an argument deduced from the words they have used and in many cases that argument will be unfair and incorrect. They will not actually be for force and violence any more than many of those who have been arrested under the deportation statute. You will have people brought in who will say, "We do not believe in actual force and violence, but we believe in the general strike; we do believe in direct action."

Mr. DAVEY. To accomplish what?

Mr. KANE. If they say the overthrow of this Government, if they go that far, you will not have much difficulty to get a jury to convict them. But there is a middle ground—men who take the position that they do not believe in force and violence.

The CHAIRMAN. We have in the hearings a number of direct appeals for force and things of that kind.

Mr. KANE. And there will be men who will be much like that reprobate Cohen, whom the attorney general spoke of, who would boldly turn against our Government—perhaps also such a man as this man Gitlow who was convicted yesterday. You will find individuals whose utterances go beyond the limit of the law.

The CHAIRMAN. I will give you my idea briefly. It seems we agree. If the law is so broad that when the man is charged with an offense the general public would sustain that sort of charge, assuming that it was true, then I think that the trying of it out has a valuable educational influence throughout the country. If, on the other hand, the charges are of such a nature that a large number of people think it is likely to be of an unfair nature, then I think the tendency of the trial is detrimental to the Government. Usually unless we put it in such guarded language that we can be sure that in practically every instance where a man is charged the public will sustain the charge, I think we had better not pass the law, but I am inclined to think in the other case that the Government would profit by it. What is your view?

Mr. KANE. My view is that there is at present far too much repression. I think there is some reaction, but I think that present conditions will continue, and that for some time to come there will be too much repression instead of too little. Therefore, I am opposed on general principles to any new law.

The CHAIRMAN. Repression now or as it applies to the former element of it?

Mr. KANE. No, sir; I can give you an example in my own town. Let me say that my position is that there is too much repression in this country of free speech and of the freedom of the press, that we do not need any legislation on the subject, that the public has gone much too far. I mean to say there are times when you feel the sentiment of the majority—it is all around you, and yet if you are a wise legislator you do not necessarily crystalize that sentiment into a penal statute.

Let us look at this thing fairly. What sort of repression is going on? About two months ago, I think it was, a clergyman wanted to speak, to make an appeal for the pardon of certain offenders; he

called them "political offenders." We do not like the expression. We have fought against it because it is foreign to our laws to have political offenders; any particular class of people who have violated our law, should be treated like other people. But the clergyman wanted to come and talk in favor of these people being pardoned. He went first to the next largest city in my district, Reading, and I heard, when he was going to speak in this place, that the meeting had been called off. He was not allowed to speak. He tried then to speak in Philadelphia and I have not been directly informed, I am subject to correction, but I saw in a newspaper that he could not speak in Philadelphia. I was not consulted at all, and the man's plea was simply that these people had been wrongly convicted, or that their sentences had been excessive, and that they should be pardoned. He was afterwards listened to by a few fellow-clergymen who got together behind closed doors, and one man, an Army chaplain, said "this is really too much, Mr. Tucker has told us facts that ought to be known." But there was no public criticism of the action of any of the authorities in denying the man the right to speak in public, and there could be only one justification of such a denial of the right to speak on such a subject—one excuse alone—that the speech would have caused disorder which the police of our great city could not have prevented.

The CHAIRMAN. I suppose there was some reason offered there, although I do not see any justification for it; but it must have been under some State authority; there is no Federal authority.

Mr. KANE. No, sir; there is no Federal authority to suppress meetings. I am instancing that to show the temper of the people. It was a meeting of protest against that denial of the right of free speech.

Mr. DAVEY. What was the minister's name?

Mr. KANE. St. John Tucker, who himself was convicted and wanted to speak.

Mr. DAVEY. Is he not an active leader of the revolutionry movement?

Mr. KANE. I do not know whether he is or not. Excuse me, sir; but there is just the trouble. We are obsessed with the thing and ask is the man not a dangerous radical? If he is, surely we were such children as to be unable to listen to his appeal that certain people should be pardoned? I will make a confession before you gentlemen. I have had occasion to pass on these questions as district attorney and in time of war it has not been easy, but thank goodness, and there I agree with my Irish friend, we are out of the war, and we need not now close people's mouths for fear of the effects of free discussion. There is something cowardly about that. If the soviets are going to fight us, let us fight them honestly and in the open, but I do not believe that they are going to fight us in this country. If they are, it seems to me a cowardly thing to repress them by such methods.

May I go back to my original thought, which was this: During the war we could not make distinctions. It was not possible to make distinctions. If the complaint came in that a man had abused America, you sent an agent to him, or if it was the sort of case you wanted to look into otherwise, you worked indirectly and so found out the

facts, because the man might have been a German spy or doing some work for Germany, and we had to do that again and again. Sometimes, of course, people acted on spite, or the man who had been baited into making the objectionable statement by some over zealous citizen, and when you found out the true facts you would make as little fuss about it as possible; but of course, the newspapers would often take the matter up—often great injustice would be done—you could not help it.

And the side results, the side products, of such proceedings were bad. They did not make for good, law-abiding citizenship. But it was war; we had to do it. And no complaint ever came to my office, I think, that even seemed to be trivial, that was not run down; because I did not know that it might not lead to something very dangerous. Those are necessities of war. Why should they be continued in time of peace?

Mr. IGOE. Was it in your district that those bombs were sent that were referred to by the Attorney General the other day?

Mr. KANE. We had one in my district; one very serious bombing, and it was connected, undoubtedly—I do not know whether that is what you refer to—well, I will answer you directly: There were two cases of bombing in my district, two distinct cases, as I recall them; they were both serious, they were both in July.

Mr. IGOE. Were they connected up with this communistic agitation?

Mr. KANE. I do not know. The little information that I have on that I must plead privilege about, because I do not want to infringe in any way—well, I do not want to talk about that except to my chief in Washington. But there were two very serious bombing cases. One was in a Catholic church; the rectory was nearly destroyed, and as I recall it, that occurred about the same time as this horrible outrage in which Attorney General Palmer nearly lost his life.

Mr. IGOE. Was that outrage in which a Judge Thompson was attacked in your district?

Mr. GOODYKOONTZ. That was in Pittsburgh.

Mr. KANE. No; there is a Judge Thompson in my district, but I do not recall that. Was Judge Thompson's house bombed?

Mr. IGOE. Yes.

The CHAIRMAN. Yes; they attempted to blow up his house.

Mr. KANE. Judge Von Moschzisker—a curious name—the front of his house was shot out by a bomb and that was the time that there were two other bombing outrages the same night. The case was an extremely interesting one to a person interested in running down crime, but we never have got hold of the perpetrators of that outrage.

Mr. HUSTED. Do you think it is quite fair to charge against a statute such as we have outlined here, limited to the punishment of force and violence as a means of overthrowing the Government, the maladministration of other statutes due to the war conditions, or other causes, cases which you have yourself instanced?

Mr. KANE. I think it is. I do not think it is maladministration to investigation and follow up; I do not think that is maladministration. I think that is inevitable; and I think you would have innocent people—innocent and ignorant people—very often made the goat, unnecessarily, to no purpose.

Mr. HUSTED. Perhaps I did not make myself quite clear. You cited cases of repression?

Mr. KANE. Yes.

Mr. HUSTED. Perhaps unjustifiable repression, due to certain conditions existing in a locality. Do you think the fact that peace officers, perhaps, went beyond their powers in those respects is any valid argument why we should not pass a statute here to punish the advocacy of physical force and violence as a means of overthrowing the Government?

Mr. KANE. I think that if there were a reason, a good reason, for the passage of the act, if you were really going to accomplish a good end by the act, it would be no argument at all to say that there were side products that were bad and injurious to the community. But if there is no good end to be accomplished; if this legislation is unnecessary, and if the only end—really, I go so far as to say that I am inclined to think that the only end that will be accomplished will be an increase in this evil, rather than a lessening of it—why have a statute? That is my argument.

Mr. DAVEY. Why have a law against murder, then?

Mr. KANE. Because the law prevents homicide; the law prevents homicide, and we know there is no question about it, that life is a desirable thing.

Mr. DAVEY. As a matter of fact it does not prevent murder?

Mr. KANE. Well, you know what I mean. Of course, in one sense, no law ever prevents crime. We lawyers think too much of laws. But there is no question about it, that if we did not punish murder there would be more murders; there is no question about that. But if you want really to get at the truth of an economic question, face it bravely; do not repress discussion; do not think these people are not open to reason.

I alluded a little while ago to a really dangerous man; a man whom I regard as a danger. He was made dangerous, I believe, by having been beaten up by the police in a bad strike at Paterson, N. J., long years ago, and the iron entered into his soul, and he has been a dangerous agitator ever since. I admit that I think he is dangerous, the man that I have in mind.

If you put that man in prison temporarily, you would get him off the face of the earth, in a sense; but all his followers would be in the open and more dangerous for what you did. And if you think that the false political economy which he is teaching, the bad political economy, or the bad political science which he is teaching, to wit, the rule of the proletariat, in this particular case, and against the rule of all the people our American idea, will be stopped by putting him in prison, you are very much mistaken.

We know we must not be blind; we must not forget that in the past repression has been tried again and again, and always with the same sad results. You do not really reach the truth in that way.

Mr. IGOE. May I ask you a few questions? I am trying to get at your point of view about this thing.

Mr. KANE. Yes.

Mr. IGOE. This dangerous man that you speak of, if he went about teaching and advocating and advising the overthrow of the Government by physical force and violence—not merely seeking a change in the form of government, even though it be to a soviet

form of government, but advocating the destruction and overthrow of the Government by force and violence; teaching it and preaching it publicly, do you think under section 4 of the Penal Code he could now be indicted and convicted?

Mr. KANE. Well, just as soon as the evidence of what I believe to be what that man is probably doing now—just as soon as there is evidence of that kind, I do not see why he can not be. Of course, there has got to be evidence. And I will agree with you perfectly that it would be much easier to catch him under section 1 of the Davey Act, if it is passed, than under section 6. It would be easier to reach that man, I think, under that section as drawn.

Mr. IGOE. Section 6 is the section relating to conspiracy; it was section 4 that I asked about.

Mr. KANE. I mean section 4. It would be much easier. But can we not risk the danger? I assure you that I have not lost any sleep since I heard of that man in Philadelphia. I believe that sufficient means are at hand. I have known of that particular man for quite a long time; and the minute that he does anything overt, the minute the man is armed or there is an armed meeting, or the minute he begins to incite to force and violence, we can indict him under section 4 or he may be prosecuted under the Flynn Act, which is our State law.

Mr. IGOE. Do you believe that the prosecution should not begin until he has actually put into some action in his own way the doctrine that he preaches?

Mr. KANE. Yes.

Mr. IGOE. You distinguish between the action or the result, and the preaching of the doctrine?

Mr. KANE. I do. I am inclined to think, sir, speaking generally, that the distinction that our forefathers made in drawing the treason clause in the Constitution was a wise one; that an examination into a man's private opinions is not desirable or necessary, and I would be willing to wait until I got the evidence of some overt act. Is that plain?

Mr. IGOE. Well, I am just trying to see how far you go as to the right of this man to express an opinion. You would not, assuming that there was not any section 4 of the Penal Code, pass an act which would make that punishable, because you fear the effect upon the general public; that is, it might encourage people to adhere to the cause that he supports or the doctrine that he preaches?

Mr. KANE. I am very much opposed to such action unless absolutely necessary, because I have seen the thing in the working. I think it is because of what I learned when I was at school and college that I am opposed to the punishment of people for the mere expression of opinions unaccompanied by action. I am opposed to it on general principles.

Mr. IGOE. I understand.

Mr. KANE. And I think that such a punishing of a mere expression of an opinion not amounting to an incitation to crime is unnecessary and unwise because there is a difference there, you know—

Mr. IGOE (interposing). That is what I am trying to get at.

Mr. KANE (continuing). You are enacting a dangerous statute, one that runs contrary to the judgment of the best and wisest people.

Mr. GOE. You think the public, the majority of the people of the country, while they do not approve, ought not to punish the preaching or advocacy of the destruction of the Government by force and violence?

Mr. KANE. Well, now, you are putting a little more in the statement. If a man is really advocating that thing, he must be inciting to it, and I do not see why he would not be punishable under section 4.

The **CHAIRMAN.** But under section 4 you must incite and "set on foot" a rebellion or insurrection. It seems to me that that necessarily means that a rebellion or insurrection must be accomplished.

Mr. KANE. No, sir; you may incite without accomplishing it. A man incites to a crime many times when the crime is not committed.

The **CHAIRMAN.** But it says "incites and sets on foot."

Mr. KANE. "Incites, sets on foot, or assists or engages in."

The **CHAIRMAN.** Can you set on foot a rebellion or insurrection unless there is actually one?

Mr. KANE. Well, the court may so rule—I do not know—but in this brief which I have before me the question is treated. One court has said that such a case would fall within section 4.

The **CHAIRMAN.** The Attorney General takes the position, and I think he is probably correct, that it is necessary to prove under that section that an insurrection or rebellion has actually taken place, which has been incited, etc., by the defendant.

Mr. KANE. In this brief, attention has been called to two or three cases on that point.

The **CHAIRMAN.** I have not examined the cases, but they have examined them at the department.

Mr. KANE. I was handed this brief this afternoon, and it is going to be submitted to the committee by its author; I have no right to steal his thunder; but in it is cited a case where that section has been held by the court of appeals very recently—it is either section 4 or section 6 which has been construed—to mean that, without an actual rebellion being accomplished, the incitation to it would be punishable.

The **CHAIRMAN.** I have not seen any decision on that point.

Mr. KANE. I will not pause to cite the case now, because this brief will be submitted to the committee, and I have no right to introduce it.

Mr. BOES. If you believe that this bad man whom you speak of would be punishable under section 4, why do you object to a Federal law that would punish him?

Mr. KANE. This is a Federal law. This section 6 is a Federal law now existing.

Mr. BOES. Is it not true that if you allowed this bad man to go on and advocate the overthrow of this Government by force and violence, he will keep going on until he performs the overt act?

Mr. KANE. No. You will see that the conspiracy section does not require anything more than the spoken word; and this bad man—we will have to go on calling him "this bad man," because I can not give you his name—

Mr. BOES (interposing). You say you have held the office of United States attorney?

Mr. KANE. Yes, sir; I still hold it.

Mr. BOIES. Now, if this bad man, according to your description, heard you presentation of this case to-day, would that make him a better or a worse man, in your judgment?

Mr. KANE. I do not know that I understand you, sir.

Mr. BOIES. Would it be an encouragement to such a bad man?

Mr. KANE. Would it be any encouragement to him? I really do not know. I never have found myself worried about the results of being just and true and honest, even toward a criminal. And I can not feel that I am doing wrong—if that was the innuendo of the Congressman's remarks, that I was by this speech inciting to violence—well, you will have to make the most of it. I have not the slightest twinge on the subject. I should esteem myself a miserable coward, in the office of district attorney, if I felt that I should come down and oppose new legislation, and did not come provided I had already explained to my chief what my views were. I think it is the first time I have ever, in the six years, appeared before any committee on any legislation, because, as long as I did not make an issue with my chief, I adopted the view of the department. I agreed, and we had team play, of course. But here I did disagree, and I made my protest, and it seemed to me right to come down here.

Mr. GARD. Your disagreement was because of the policy of the Department of Justice in these communist raids; was that it?

Mr. KANE. Yes, sir; that was the occasion.

Mr. DAVEY. May I ask the gentleman, is it his position that in cases where men are incited to overt acts, the dupes should be punished and not the principals?

Mr. KANE. I hope not. My object in coming here was to oppose new espionage legislation, and I got off the track a little when I refer to deportations. My objection to the deportation raids was to proceeding against people en masse, when we knew that the dupes would be caught and that many of the really guilty would escape.

Mr. IGOE. Your principal objection, as I understand it, is that you feel that in reaching these extreme cases we might pass a statute which might, at times, be used to convict many others who had no—

Mr. KANE (interposing). Yes; and that the effect of it is bad. Now, may I say just one or two words on that point, and then, in conclusion, thank you for the courteous hearing which has been accorded to me.

It is certainly bad to confuse in the public mind radicalism and the thing that we have been talking about. And yet if you have a stringent statute on the books, such as this would be as I read it, you would inevitably be doing that. Not only would there be hard cases under it—cases where there would be, as I think, real oppression; but you would be confusing two thoughts in the mind of the public. Instead of clarifying the situation by a legislative definition, you would be doing quite the contrary.

In closing, may I ask permission to read this little circular? I am not a member of the society that penned it; but I think you will agree with me that it is a fine statement of belief—and I believe it expresses the true belief of the public, the real belief of the public, or that it will be so soon be the belief of the public that we need not worry ourselves about the situation.

It is not what you see in the headlines of the press; it is not what is being shouted from the housetops. But it is the sober, second thought

of the people. You may say it is the pronouncement of a body of pacifists. I am not one of them, but I know of them, and therefore I can speak of the Friends or Quakers in my community. I was not reared a Friend, and can not accept their principle of nonresistance. But the statement shows how this repression of speech has touched them. The Quaker does not like it; the Quaker, of course, is an extreme individualist. Theodore Roosevelt said he makes a bad citizen, because he does not take to team work easily. But this pamphlet shows how those people—and there are many of them—view the situation.

And it is to prevent this sort of thing—or, rather, to clear the air—that I hope and pray that this committee will not recommend a new sedition act at this time.

Mr. HUSTED. Do you think that these people appreciate the limited character of the statute that is proposed to be enacted?

Mr. KANE. Well, this is not dated, and they may not have known of the Davey bill. Yes; the statement is dated the first month, 20.

I believe they did know of this bill; I do not know. But, be that as it may, it is a fine document; and it sets forth our point of view. It is so able and strong—it is not long—that I want to have leave to read it to the committee.

[The representative meeting of Philadelphia Yearly Meeting of the Religious Society of Friends for Pennsylvania, New Jersey, Delaware, and parts of Maryland.]

PHILADELPHIA, PA., January 20, 1920.

To all who love representative government in the United States:

OUR FELLOW CITIZENS: The perils of the war are behind us, but the problems of peace are before us. The world is seething with unrest, disturbances, and conflicts. New ideas are finding expression, new theories of social life are being voiced, new demands for changed conditions in government and industry are assailing our traditional institutions. Extremists, both reactionary and radical, are proclaiming strange creeds. We in America, though distant from the storm center, are finding that we are not immune from this world restlessness. It has knocked at our doors, it has crossed our threshold, and it is asking us the searching question: How will you deal with this confusion of thought and turbulence of action?

Upon the way in which we answer that question in our national life hangs more than we know of good or evil for our country. There is one way—and one way only—in which we can hope to achieve sane and peaceful progress. It is the way of education, of increasing understanding of the causes and cures of this great unrest. And there is one condition—and one condition only—upon which we can hope to follow this path of peaceable and orderly advance. It is the condition of individual liberty, liberty to interchange ideas and information, liberty to speak and write, liberty to discuss. In any other direction lies stagnation or upheaval.

Because we believe liberty of expression to be of the highest importance to the welfare of our Nation and of the coming generation, we are profoundly disturbed by the widespread tendency to forget and depart from this principle. From many quarters we hear of speakers prohibited from delivering addresses, and of meetings prevented or broken up. In recent strikes the police and powers of government have been invoked to enforce the prohibition of gatherings, instead of to protect men in their lawful right of peaceable assembly. The menacing and pernicious interference with meetings by organized groups of private citizens in the name of patriotism is a sinister blow to our American liberties, which should not go unchallenged. In challenging the right of five Socialists to take the seats to which they were duly elected, the Legislature of New York has laid violent hands upon the foundations of representative government. Sedition laws for peace time, such as those already passed in some States and those now pending in Congress, are inroads upon the domain of American freedom, pregnant with injustice and danger.

No man can measure the harm that may ensue if we continue these encroachments upon freedom of expression. History is replete with lessons of the folly of suppression. Many a religious and political martyr should have taught us long ago that you may torture and kill and silence men, but you do not silence truth. The ancient truth spoken when Christianity was the feared and hated doctrine still holds to-day: "If this counsel or this work be of men it will come to naught, but if it be of God ye can not overthrow it." Yet while suppression can not silence truth, it can work many evils. It can produce stagnation of mens' minds, and in so doing cut the taproot of democracy. It can bring disaster to those who impose it, as it did when the Federal Party passed the sedition law of 1798, and in the words of a leading historian, "From the day the bill became law, the Federal Party went steadily down to ruin." It can produce revolution. Let France and Russia bear witness. "I will make them conform or I will harry them out of the land," cried James I of England against the Puritans, and these words, it has been said, "Heralded the struggle which within half a century was to deliver up James's son to the executioner."

No easy indifference will suffice to maintain freedom among us. Liberty asks of us a price, the price of tolerance toward those to whom we do not wish to show tolerance. But it is only the unpleasant or hated utterance that really tests the quality of our liberty. "The supreme test of civil liberty," a noted English lord has said, "is our determination to protect an unpopular minority in time of national excitement." In times of intolerance and oppression the founding of a great Commonwealth by William Penn on the principles of religious and civil liberty helped to form our national policy of individual freedom. Our loyalty to that policy is now undergoing trial. In new ways our times are proving afresh whether this Nation "conceived in liberty and dedicated to the proposition that all men are created equal" can govern itself on such a principle. We appeal to all who with us love this great Republic and cherish high hopes for her future to help her meet the test.

We may differ as to the good or evil of the ideas which are finding expression, but let us take to heart the recent words of a foremost editor of this country: "What I have said is not a plea for the new radicalism, for to me most of this new radicalism is the very negation of political and economic sanity. What I am pleading for is the restoration of the traditions of the Republic, for the restoration of the proved safeguards of human liberty, for the restoration of the free play of public opinion, without which democracy is stifled and can not exist."

By direction of the representative meeting of Philadelphia Yearly Meeting of the Society of Friends.

GEORGE M. WARNER, *Clerk.*
WM. B. HARVEY, *Secretary.*

Mr. DAVEY. May I ask the gentleman a question?

Mr. KANE. Certainly.

Mr. DAVEY. You understand that the foundation principle of the Quakers is nonresistance in an extreme form, do you not?

Mr. KANE. Yes.

Mr. DAVEY. Now, if there should be in their midst a school directed by a capable and astute gentleman teaching the art and advantage and gain of murder, they would not resist that preaching?

Mr. KANE. Oh, yes, they would; I beg your pardon. They are the greatest talkers in the world; you do not know them. They would be right at that man, because if there is anything the Quaker hates it is bloodshed; and he would not have a minute's peace; they would resist it right away.

Mr. DAVEY. How?

Mr. KANE. Well, first of all, they would resist it. It has never been said of the Quaker that he did not believe in law enforcement. What do you mean—they would not resist the preaching of murder? My dear sir, you do not know them.

Mr. DAVEY. I understood that their doctrine was nonresistance in its extreme form?

Mr. KANE. No; there are cranks among them, as there are among other people; but my experience is that they are very sane. We constantly have in Pennsylvania Quakers on juries, for example, and I have never found that they objected to jury service. The Quaker does not object to law.

Mr. DAVEY. But we have in this country what amounts to a school teaching of a certain principle of the overthrow of government by force and violence. Now, as I understand the gentleman's position as he expressed it in the quotation from the Society of Friends, he would advise absolute nonresistance to a movement of that kind?

Mr. KANE. Oh, no.

Mr. DAVEY. Organized and financed—

Mr. KANE (interposing). Oh, not at all. I think they would start immediately. They—

Mr. DAVEY (interposing). Would they meet it by law?

Mr. KANE. They would not want your law; no, sir. They would be opposed to that. They like the utmost freedom of speech, if that is what you mean; they even let the women talk—well, the women are talking a good deal now; and perhaps the time will come when that peculiarity of the Quakers will be shared by the rest of us.

Mr. DAVEY. But the point is, how would they meet that, by law?

Mr. KANE. You mean a school like the Rand School? I do not know much about the Rand School. Do you mean a school teaching bloodshed and murder?

Mr. DAVEY. I mean a school that is teaching the doctrine of overthrowing the Government by force and violence. Would they meet that by soft talk, or would they meet that by an effective law?

Mr. KANE. No; they would meet it, I think, in a very sensible way. You will find among them, as you will find among other people, wild cranks, and some who associate with crazy persons and do not know it. But the great majority detest force and violence and are absolutely law-abiding.

Mr. HUSTED. Mr. Chairman, may the attorney general of New York make a brief statement?

Mr. KANE. I have finished with my statement.

The CHAIRMAN. Do you desire to be heard, Mr. Newton?

STATEMENT OF HON. CHARLES D. NEWTON, ATTORNEY GENERAL OF THE STATE OF NEW YORK—Resumed.

Mr. NEWTON. Mr. Chairman and gentlemen of the committee, I came into the room just as the gentleman was speaking and advising the committee of something that I did not tell the committee in relation to the taking of photostatic copies of a very large number—if I understood him correctly he said 35,000—of letters that were taken in a raid of the soviet bureau, the photostat copies being made and turned over to the English Government.

Of course, I did not tell this committee anything about that, because it is absolutely false. No such thing happened. No such photostat copies of such letters were made, and no such papers have been turned over to the English Government or any representative of it.

And I make this statement out of regard to the high integrity and honor of the individual members of that committee, which was

made up of men of standing in the State of New York, who are nearly equally divided between the Democratic and Republican Parties.

And I challenge the proof of any such statement, because there is absolutely no foundation for it excepting in a mind which must be as radical as that of the most extreme radical agitator himself.

Mr. KING. Mr. Chairman, I desire to present Mr. Gibbons, of Philadelphia.

**STATEMENT OF MR. HENRY J. GIBBONS, ATTORNEY AT LAW,
PHILADELPHIA, PA.**

Mr. GIBBONS. I just want to take a few minutes of the time of the committee to speak specifically about certain sections of the Davey bill.

Mr. IOBE. Please give your full name and your occupation.

Mr. GIBBONS. Henry J. Gibbons, lawyer, of Philadelphia. I was for 11 years assistant corporation counsel, and I had the privilege of arguing in the Supreme Court the first of the espionage cases.

It has been implied here in the discussion, as I have listened to it so far, that the Davey bill is directed only against offenses of force and violence. I call your attention to the first section of that bill, where there occurs, in the alternative, the following language, after talking about acts of force against any person or property. Now, listen to this language: "Or any act of terrorism, hate, revenge, or injury." Not "and"; "or"; four words in the alternative: "Any act of terrorism, hate, revenge, or injury"——

The CHAIRMAN. Pardon me, but you can make that a little stronger by calling attention to the fact that a threat of any of those things is sufficient.

Mr. GIBBONS. Is what?

The CHAIRMAN. A threat of any of those things is sufficient.

Mr. GIBBONS. Yes. "Against"—now, who is it directed against? "Against the person or property of any officer, agent, or employee of the United States."

A special class is selected——

The CHAIRMAN (interposing). Well, this committee has not that bill.

Mr. GIBBONS. No; I am just calling attention to it, because I understand that that bill is before this committee.

Mr. HUSTED. But that is not the only bill before this committee, you understand?

Mr. GIBBONS. Yes; I understand that.

Mr. HUSTED. And there are bills before it which do not contain that clause at all.

Mr. GIBBONS. This bill, in my opinion as a lawyer of 15 years' practice, is absolutely unconstitutional; and, besides that, it would be very unwise for Congress to enact it.

Now, it has been said by the Attorney General of the United States—and I do not hesitate to take issue with him on this particular point—that section 4 of the penal code, which is section 5334 of the Revised Statutes, does not cover a situation such as has been discussed here to-day.

Now, that section also is in the alternative. Let me read it to you: "Whoever incites, sets on foot, assists or engages in."

Not "incites, sets on foot, and engages"; but, "incites, or sets on foot, or assists or engages"; that is what it means—"in rebellion"—not "and insurrection"; "or insurrection."

Now, if an act of violence against any public building, such as setting it on fire, or the advocacy of overthrowing the Government by that, is not a rebellion I do not know what the English language means. That is inciting a rebellion. If a man goes up, or three men go up and say, "Not by spreading propaganda, but by force, we propose to overthrow the Government," he can be reached under section 4; he can be indicted.

The CHAIRMAN. Suppose he undertakes to kill an individual; is that rebellion?

Mr. GIBBONS. An individual? No; that would not be met by this; but it would be met by assault and battery with intent to kill—which exists in the penal code of every State in the Union.

The CHAIRMAN. But I am asking you about this section.

Mr. IOE. How far do you think the word "incite" would go? Would that include the preaching or advocacy of rebellion?

Mr. GIBBONS. Yes; any advocacy by way of innuendo, or suggestion, or spoken word.

The CHAIRMAN. Have you any citations of cases on that?

Mr. GIBBONS. No; because this section was put into the law—section 5334, Revised Statutes—during the Civil War, and it has never been construed by any court; there has been nobody prosecuted under it.

Mr. IOE. They have all been prosecuted under the conspiracy section; section 6?

Mr. GIBBONS. Yes; they have been prosecuted under section 6. Now, there was a case under that which I think Mr. Ralston will discuss before you at another hearing at more length—the case of *United States v. El Ariete Society*; and the Attorney General contends that in the construction of section 6 of the penal code by the court it was held that this section would be ineffective. The quotations, which I will not give now, are in Mr. Ralston's brief, are referred to at length, and show that the Attorney General has completely misunderstood or misquoted that decision, because it is not to that effect.

Mr. HUSTED. In your opinion, would the mere advocacy of the assassination of an officer of the United States Government as a means of overthrowing the Government be punishable under this section?

Mr. GIBBONS. Under section 4, by an individual? Yes; against any of them.

The CHAIRMAN. How would it make an insurrection or rebellion?

Mr. GIBBONS. The attack on an official of the United States is rebellion—or the suggestion of an attack on an official. If somebody should incite an act against the President, would not that be inciting to rebellion or insurrection?

The CHAIRMAN. No; both of those questions have been passed on many times and have been held not to cover that.

Mr. IGOE. There is a special statute to cover the case of the President.

Mr. GARD. Do you think if a man should incite the destruction of a Federal building that would be inciting to rebellion?

Mr. GIBBONS. I think that would be inciting to rebellion—yes—because it would be an attack on the Government.

Mr. BOIES. If a radical should get up and talk to an audience and advise the destruction of this Government by force and violence, and to go out and commit murder, and no one should pay any attention to his language or do anything as a result of it, he has not incited anything, has he?

Mr. GIBBONS. Yes; he has incited; he has attempted to get them to do that; that is what "incitement" means. "Incitement" means to attempt to bring about or do something; it does not mean to bring about the actual accomplishment of something; it means to attempt to bring about something.

The CHAIRMAN. If you do not succeed in inciting a rebellion, you have not done anything?

Mr. GIBBONS. Maybe you have and maybe you have not.

The CHAIRMAN. Well, so far as that is concerned, the Attorney General has asked for this legislation, and he is convinced that that does not mean what you are contending for now; and so we have to stand upon the proposition that there is not any law that covers that offense.

Mr. GIBBONS. Yes. Well, I want to call your attention to the fact that in this Davey bill there is no qualifying clause such as exists in some of the European countries that we considered very tyrannical. For instance, in Russia, under the autocracy, there was this saving clause:

If, however, the said offense shall have been committed through ignorance, lack of understanding, or in a state of drunkenness, the culprit shall be imprisoned for not less than three months.

That was in Russia, under the autocracy.

The CHAIRMAN. Well, I suppose that is in the general law, anyhow?

Mr. GIBBONS. I do not think there is such a provision as that in any of our sedition acts.

Mr. GOODYKOONTZ. The judge would take notice of it in imposing the penalty; the penalty is elastic.

The CHAIRMAN. Most of those things require a certain degree of knowledge and understanding. If a man was so drunk that he did not know what he was doing, or if he was so ignorant that he did not know what he was doing, he would not have sufficient knowledge or understanding to commit the crime.

Mr. GIBBONS. This act provides a penalty of \$10,000 or 10 years.

I wanted also to read a very short editorial from the Evening Ledger, in Philadelphia, relating to Attorney General Palmer. And this comes from a conservative paper in one of the most conservative towns in the Union. It is as follows:

ONE ON PALMER.

We wish to congratulate Attorney General Palmer on the failure of Congress to pass the antisedition law which he has been urging. If the law were now in force, the Attorney General would himself be subject to prosecution under it.

We have just received from him a pamphlet of 83 pages entitled "Red radicalism, as described by its own leaders." In the autographed letter accompanying it Mr. Palmer writes:

"It is the position of the Government that the willful dissemination of such documents as I am asking you to examine, far from being an exercise of the right of free speech guaranteed to us in our Constitution, is a step tending toward the absolute destruction of that right."

A cursory glance over the documents indicates that they are of such a character as would be shut from the mails under any antisedition law. Yet the Attorney General himself is circulating them at Government expense.

It is gratifying, however, to know that Mr. Palmer is opposed to the Sterling and the Graham bills on the ground that they are too drastic. He says that under them "in times of excitement the civil rights of citizens might be swept away." This is the objection which this newspaper has made to the measures. But we have yet to see any specific antisedition measure, as such, that would not be exposed to the same objection.

And I understand that he has sent out thousands of copies, all over the United States, far more than all of these societies could have sent in five years, with the facilities under their command, because they are forbidden to use the mails.

Mr. CLASSON. The Attorney General took the position that they should not be made nonmailable.

Mr. GIBBONS. Well, he certainly committed an offense himself in sending them through the mails.

Mr. LGOE. No; he took the position that we should not enact a statute which would deny the use of the mails; and I think he went so far as to say that, even though it was seditious.

Mr. GIBBONS. Well, I just heard that.

I want in closing to call attention to the words of Buckle, the author of the History of Civilization, who wrote that book after he had analyzed 21,000 volumes, and who died at the age of 40. It is one of the most wonderful books ever written. In it he says:

The proper answer to words is words. To attempt to answer words with force is tyranny.

And I think no man who studies history can fail to realize that that has been the result of all attempts at suppression, from the time that the Roman Empire tried to stamp out Christianity, running on down through the whole gamut, to attempts on the part of governments, even reform governments like that of Cromwell under the Commonwealth, after the execution of Charles the First. When it got into power in England, it attempted a repression of the rights of the people and was finally overthrown and the Restoration took place.

We are in a condition in this country to-day when hysteria is likely to bring about legislation which will either become a dead letter on the statute books, or will be used in order to persecute and hound individuals by overzealous district attorneys.

We are fortunate enough not to have judges in Philadelphia, or a district attorney of that sort; but there are other sections of the country where they have not been so fortunate.

I also have come here, representing a body known as the Fellowship of Reconciliation. The fundamental principle of our organization is that men should be reconciled with each other, and should not try to persuade other men to their views, by ramming them down their throats, or bringing force to bear, but that they should try to understand each other; and that the greatest possible light should be shed on all discussion.

Mr. GARD. When was your organization founded?

Mr. GIBBONS. The Fellowship of Reconciliation?

Mr. GARD. Yes.

Mr. GIBBONS. It was founded about five years ago, after the outbreak of the European war, but about two years before the United States entered the war.

Mr. GARD. Was its purpose the prevention of the United States entering the war?

Mr. GIBBONS. Most of the members were opposed to the United States entering the war, because they did not believe the use of force would make the world safe for democracy. Whether it has done so is a matter for the future to determine.

Mr. GARD. Do you represent that organization?

Mr. GIBBONS. I am a member of the district council of Philadelphia; yes. It is a religious organization; we have frequent religious meetings; its members consist of Quakers, Episcopalians, Presbyterians, and others, who have a religious point of view with regard to all problems, particularly economic problems.

The CHAIRMAN. Mr. Huddleston, the committee will hear you now.

STATEMENT OF HON. GEORGE HUDDLESTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALABAMA.

Mr. HUDDLESTON. Mr. Chairman and gentlemen, my views on the policy of legislation such as that which is proposed are pretty well known to you, I suppose, and I do not wish to discuss that feature of the matter.

This committee is composed wholly of lawyers, and I address myself as a lawyer to lawyers.

My purpose is not to instruct you—that would be presumptuous—but to endeavor to sharpen criticism of the measures proposed, particularly the Davey bill, by pointing out some features of it and urging on the members of the committee that they examine its details with the greatest care.

The great difficulty in legislation of this kind lies in the form and terminology in which it must be couched. It is exceedingly difficult to draft a bill on a subject of this kind. It is difficult, primarily, just as it is in all cases where new crimes are created, because of the deficiency in accurate and well-defined terminology; in the room for doubt which may exist about the meaning of the words that may be used. It is peculiarly difficult to draft a bill to deal with a subject of this kind, because of the inherent nature of the subject. There is of necessity in offenses of the kind created by these bills a broad twilight zone between guilt, absolute and undoubted, and unquestionable innocence. That is true, first, because much of the guilt is partial and much of the innocence is partial. Few men are utterly and wholly disloyal and unpatriotic. And few, on the other hand, do not occasionally entertain some thoughts that the man whose patriotism "leans always to virtue's side" might not consider unpatriotic. Hence of necessity such a bill must denounce as criminal men who, in their hearts, are innocent; and it must result in the acquittal of others who in their souls are guilty.

Now, that is a difficulty that you have at the outset. And for that reason it is of the very highest importance that, conceding that the principle back of this bill and the policy which it speaks are proper and correct, extraordinary care—care which reaches the extreme verge of legislative caution—should be used in framing the language of the bill and in criticizing every phrase in it before it is put out.

The first thing that must be done is to find out what kind of crime of offense or act or speech we are aiming at; and we must settle that definitely and clearly in our minds before trying to draw a law.

Is it the purpose of the legislation that the committee has in mind, or would approve, to make "direct action" unlawful—direct action, which includes the strike, either general or partial, for the purpose of influencing political action, or the performance by public officials of their duties? Does the committee think well of making a criminal out of any man who says, "I do not like the law that has been passed, and therefore I will not work until that law is repealed or until the administration of it is changed." Is it the purpose to go after a conspiracy to strike for considerations of that kind?

Now, that is up to the committee to decide at the outset.

Mr. GARD. Well, I think right there you can be assured that there is no desire on the part of the committee, so far as I have ever heard, to intrude the provisions of this bill into any questions of the right to labor, or the right to strike, or the right of volutary labor, or the right of cessation from labor. The whole thing that the committee has had under consideration, so far as I am advised, is the desire to place legislation upon the statute books to correct any omission in the present statute which would safeguard the Government of the United States of America from attack by physical force and violence.

Mr. HUDDLESTON. That I have heard stated before, and I am happy to believe that the committee will not tolerate any such measure. But, it is of the very highest importance that the committee approve no measure which could be so construed.

Many people do not know what "direct action" is; they think it means taking up arms against the Government, or using the bomb, or something of that kind. Well, direct action, in the sense I now use it, and in the sense in which it is usually used in such radical propaganda as I have seen means any strike for political purposes; it does not include physical force or violence against persons.

Mr. IGOR. This committee has been informed, if you will pardon me, and I think the Secretary of Labor held in that recent deportation case, that direct action—certainly in that case—meant something else besides peaceful action.

Mr. HUDDLESTON. In the manifesto of one of the communist parties—I do not remember whether it was the Communist Party of America or the Communist Labor Party of America—there occurs equivocal language in connection with the use of the term "direct action" which the Secretary of Labor has held to mean the advocacy of physical force against the Government. Just what that whole connection is, I do not now recollect.

Mr. IGOE. I do not think it was based upon the words "direct action," but it was based upon the use of those words in connection with other expressions in their documents which——

Mr. HUDDLESTON (interposing). Yes; and I think also the words "mass action" were used.

Mr. IGOE. Yes; those two expressions, "mass action" and "direct" action.

Mr. CLASSON. I just want to ask you if you find in any of the bills that are being or have been considered by this committee anything to indicate that there was any attempt to procure a law against strikes of labor——

Mr. HUDDLESTON (interposing). Yes. the bills are full of stuff which might be so interpreted. I fancy their authors did not have that in mind.

Mr. CLASSON. Certainly not.

Mr. HUDDLESTON. And that is one cause of my appearing before the committee, to urge the committee that they have that in mind.

Mr. IGOE. If you will pardon me, I can say this: That in all the meetings that we have had, executive and otherwise, it has been stated time and time again in express terms by the members that they wanted to confine it to physical force and violence.

The CHAIRMAN. As a means of overthrowing the Government?

Mr. IGOE. As a means of overthrowing the Government; and they have repeatedly tried to put that in language, and undoubtedly, as I find in going over some of these sections, some times in repeating language they have omitted clauses that ought to have been put in.

Mr. HUDDLESTON. I hope the committee will understand that there is no implied criticism of the committee in what I say. These bills are very poorly drawn, every one that I have seen that is before the committee and ought not to be reported out by the committee without very careful scrutiny.

The CHAIRMAN. I am glad that I did not draw any. [Laughter.]

Mr. HUDDLESTON. Well, I imagine the gentleman will find his future easier, both here and hereafter, because he has nothing of that kind on his conscience.

Mr. IGOE. He will need it. [Laughter.]

Mr. HUDDLESTON. Now, to go further with my train of thought, if the committee intends to punish syndicalism and sabotage, that is one thing. If you do not, that is quite a different thing. If you do not intend to punish acts which may be so classed, it is of the very highest importance that you should not allow anything to remain in this bill that could be construed as making it a crime to commit an injury to property, done under circumstances which might properly be defined as sabotage or syndicalism.

Now, I come down to this understanding: That it is the sole purpose of the committee, and the only scope that such legislation should have, to address itself against the mere advocacy of the use of physical force to overthrow the Government.

In my view we have no law which now makes that unlawful. The mere expression of the opinion or desire of any individual that physical force should be used to overthrow the Government is not a crime now. But if it is attended with any result whatever, it becomes a crime——

The CHAIRMAN (interposing). I think you go too far there.

Mr. HUDDLESTON. Well, I am expressing my own opinion, and I do not question that you have got good grounds for your opinion; I am merely trying to state mine.

There is no law, in my opinion, against a man advocating the use of physical force to overthrow the Government, if it is attended with no results. If it is attended with results, it is a crime, either as an incitation to insurrection, under section 4, or as a conspiracy, under section 6, of the Criminal Code. If anything should result from a speaker's words, then it is a crime.

The only kind of a case that needs to be reached by law, if any kind needs to be reached, is that of the man who speaks and nothing at all results from his speech. I hope the members of the committee will consider that thought carefully, and will consider section 6 of the Criminal Code and the scope of its operations with great care.

I will say, by way of illustration, that if I say to a man, "This Government is tyrannical and unjust, and it ought to be overthrown"; and thereupon that man resorts to violence as I have incited him to do, there becomes, according to the decisions of the courts, a conspiracy between that man and myself to do that thing. That principle was adhered to in the decisions in the Berger-Germer cases and in other cases that we had in the West during the war. In those cases there was held to be a conspiracy among people who had never seen each other; who had had no meeting of minds; but because one of them had read what the other one said, and then proceeded to carry it into effect, that was held to be a conspiracy to do the act and to violate the law.

And that is good law. It is not necessary that a man should say, "I propose so-and-so," and the other fellow should say, "I agree to your proposal," in order to constitute conspiracy. That is a mere legalistic formula and to so hold would make an absurdity out of the law. If there is an effect by one man's mind upon another man's mind until they assent to an unlawful mutual purpose, then that conspiracy is complete and they are subject to punishment, and under section 6 no overt act is necessary.

Mr. IGOE. Under section 6, the conspiracy statute, the language is different from that of the general conspiracy statute.

Mr. HUDDLESTON. I know it is.

Mr. IGOE. Under section 6 it does not mention an overt act, whereas the general conspiracy statute does.

Mr. HUDDLESTON. Yes; I am glad you call my attention to that. And I want to call the attention of the committee to the fact that, as the members of the committee know, section 6 of the criminal code is not the only conspiracy statute. We have another statute which is much broader; it is section 5440 of the Revised Statutes.

Mr. IGOE. I think section 6 is broader.

Mr. HUDDLESTON. I mean we have a conspiracy statute against a combination to violate any law whatsoever.

Mr. IGOE. There is no doubt of that.

Mr. HUDDLESTON. And I want to tell you that it is one of the most difficult statutes in the world to defend a man against; you open up everything. I have had some experience with it, and it is the most

dangerous thing in the world when a client is charged with the violation of that statute.

Mr. IGOE. Our experience here, from what district attorneys have told us in hearings that we have had, has been that the district attorneys resorted almost exclusively to the conspiracy statutes and never brought individual indictments where they could avoid it.

Mr. HUDDLESTON. That is quite true. Many district attorneys' offices do that. And in the course of my twenty-odd years' practice as a lawyer, much of which was in the Federal courts, I have been very greatly alarmed many times by prosecutions under that statute, because it is so hard to defend against it; you never know what to depend on; they may prove what one man says against another man, and vice versa; and in that way build up proof of offences. A defendant's lawyer is completely at sea.

Now, I want to take up this Davey bill in particular. I heard what Attorney General Palmer said here the other day. He said this bill was for the purpose of meeting the case of a man who merely advocates, without results, the use of physical force. But as it so happens that is the very thing that is not punished by this bill. Pass this law, and a man may go on advocating the overthrow of the Government by the use of physical force without committing a crime.

The CHAIRMAN. He said that was what he wanted, but he overlooked putting in two or three words that should have gone in.

Mr. HUDDLESTON. This bill does not forbid advising the use of physical force.

The CHAIRMAN. It does prohibit threatening it.

Mr. HUDDLESTON. It does prohibit a man from threatening to use physical force.

Now, I wanted to call attention to a few of the specific terms of this bill. I will not attempt to cover all its objectionable features. It makes a criminal of any man who, with a certain intent, "threatens to commit" any act of force "against any person or any property"—not a public officer and not public property, but any one who threatens to commit any act of force against any person or any property is guilty under this act.

It goes even further: It makes a criminal of any person who "threatens to commit" any act of "terrorism, hate, revenge, or injury"—not by the use of physical force; not any act of violence, but any act whatsoever—where the act is directed against public property or any public "officer, agent, or employee."

The CHAIRMAN. It is fair to say for the Attorney General that he was willing to have those words stricken out.

Mr. HUDDLESTON. Which words?

The CHAIRMAN. "Hate, terrorism, or revenge." It is perfectly evident that that bill, if it were enacted, would be very much more far-reaching than any of the other bills that were introduced.

Mr. HUDDLESTON. The Attorney General, speaking before the committee a few days ago, said that the Graham bill makes him shudder. It makes me shudder, too; but this bill makes me shudder more, because I want to assure you that, in many respects, this bill is more dangerous than the Graham bill.

Mr. IGOE. I think it is generally conceded that those words as stated in the bill are impossible.

Mr. HUDDLESTON. I am glad to know that is the view of the committee.

The CHAIRMAN. The committee would have no hesitation in omitting those words from any bill. The Graham bill has a different scope: it is intended to prohibit the advocacy of force and violence as a means of overthrowing the Government. There is some question as to just how far the qualifying words "force and violence" apply, but that is the intention of the bill.

Mr. HUDDLESTON. Now, if it is expected to strike out those words, "any act of terrorism, hate, revenge, or injury," then the remainder of that clause of the section, "against the person or property of any officer, agent, or employee of the United States," should also be stricken out, because it would have no meaning.

Mr. IGOE. Well, the committee has not considered this bill at all.

Mr. HUDDLESTON. It is now considering this bill.

Mr. IGOE. I mean, it has not taken up the amendment of it.

Mr. HUDDLESTON. It is the only bill advocated by the Attorney General. He says he wants this and nothing else—.

Mr. GARD (interposing). Well, the committee is not adopting this bill as a reconstruction of the other.

Mr. HUDDLESTON. I am glad to know that. I wish I could get hold of the bill that the committee is considering.

The CHAIRMAN. The committee is not considering any bill at present, it is simply considering the general subject. This is a mere general discussion, because the committee has taken no action at all since we considered the Graham bill.

Mr. HUDDLESTON. As I say, the remainder of that clause should be stricken out, and then it remains an offense, with a certain intent, to threaten physical injury "to any person or any property whatsoever." I want to call attention to that phrase. That is going to a remote extreme; an extreme that the committee ought not to tolerate.

The CHAIRMAN. We would not do that under any circumstances; nobody in the committee is in favor of that.

Mr. HUDDLESTON. Then let me devote myself for a moment to another word—the word "threatens." And what I am going to say with reference to this word applies with equal force to other expressions that will be used in these bills, and that must be used in them, because, as I started out by saying, the lack of accurate and well-defined terminology is the greatest difficulty there is in drawing this kind of legislation.

What is meant by "threaten"? It does not necessarily mean words—a threat may just as well be made by a look, or by a gesture, or by any other action.

The CHAIRMAN. Well, a look or a gesture probably would not overthrow the Government, would it?

Mr. HUDDLESTON. A look or a gesture would not; but I think either would be just as effective as a word, because not yet have the foundations of government crumbled before mere words. But that relates to an aspect that I am not addressing, to the matter of policy.

Suppose the word "advise" had been used there; what would have been meant by that? If you pass any such law at all, you have got to use some such words as "advise," "advocate," "threaten," or

something of the kind; and the first thing for you to ask yourselves is, What does this word mean and what does it include? What may a man do and be innocent and what may a man do and be guilty under such a word?

Now, manifestly, no phrase that can be used will necessarily imply the use of any particular formula of words in advocating force. You are aiming a statute here at words: Now, what words are you aiming at? It certainly is at no particular formula; it is not necessary that a man should make a certain set speech in order to be a criminal under such a law as this; it is only necessary that he shall say or do something, with this bad intent, which may possibly have the effect to produce the result that he intends.

If it is "advise," how is he to advise it? If I should stand on a street corner and harangue the crowd and say, "Congress is corrupt; the administration of the Government is base and partial. This is not a government of the people, but a government of the few; it ought to be overthrown; it is un-American; we ought to destroy it. But remember, my auditors, not by force, not by force. We must adopt an amendment to the Constitution; we must go to the ballot box to correct these evils"—

The CHAIRMAN (interposing). You could do that under the bill reported by the committee.

Mr. HUDDLESTON. Why, Mr. Chairman and gentlemen, it is clear beyond argument that such a speech, although it has the qualifying expression in favor of peaceful methods, is really an advocacy of force. If I point out the need for force, I have advocated force. Although I may protest "I do not mean force, we must go to the ballot box," whenever I call attention to abuses, inadequacy, and injustice of the Government I am advocating that it should be overthrown, although I do not say, "Take up bombs," or anything else of the kind.

Now, that is where the difficulty comes with this kind of legislation. What may I say under the influence of strong feeling and the consciousness of wrong? What may I say without it having the possible effect on some man to cause him to use violent methods?

If my speech were addressed to you, gentlemen, it would not have such effect. If addressed to men of other environment and temperament, it might have an entirely different effect. Therefore, the question always is, what effect did it have? What effect was it calculated to have? And thereby my intent is found, and upon that I am convicted and made a criminal.

We heard this morning a statement of a gentleman who stated that a socialist had said in a speech to an audience of workers on a New York street corner, "The workers ride through crowded tunnels, breathe bad air, and stand hanging to straps, and sweat and strain after a day's toil, in order to make profits for a rich corporation, while above ground, in God's sunlight, the rich in their luxurious carriages roll to their palaces," and so on in that vein. He thought the speaker ought to have been jailed; but you gentlemen can readily see that the real trouble about that speech was that it was true. It dealt with facts. What is coming out of that sort of speech? Some men will say, "We will go to the ballot box; we will prevent the dangerous accumulation of wealth; we will put a tax

on the men who have got those millions: we will forbid profiteering; we will correct the inequality by lawful means." But a man of different mold says to himself; "We will not correct these conditions by peaceful means. I will take the matter in my own hands. I will end some of these conditions by force." And as a result there is violence.

There is not anybody that has got any sense that would contend that everything is just as it should be or that conditions even in America are ideal.

The CHAIRMAN. Or that it ever can be made just as it should be.

Mr. HUDDLESTON. Or that it ever can be made just as it should be. Humanity struggles onward and upward. We go forward. We suffer to-day that we may live to-morrow. We pass from lower into higher things. We fall under the car. I am crushed to-day in order that those who come after me may stand and live.

That is the appeal of humanity; that is the course of progress. I believe in God, and I believe that He will make this world perfect. But when that is done——

The CHAIRMAN (interposing). Then we would have heaven here. You do not expect that, do you?

Mr. HUDDLESTON. That is what we should aim at; and when that is done, of course, humanity will have ceased to exist and we will have passed into the eternal substance.

Mr. IGEE. May I ask you a question?

Mr. HUDDLESTON. Pardon me one moment; since I have struck that thought, I trust I may be allowed to say that I believe that, under the influence of the Divine Will, we are proceeding according to His utter and absolute knowledge in the way He wants us to go, onward and upward. Of course, conditions are not perfect now; and a thousand years hence some "wild-eyed radical" of that day will be clamoring and complaining of the abuses of that era, which we would now regard as the utmost of felicity. As I say, we must go forward and onward.

As I say, these conditions which are admittedly wrong exist. Are men not to be allowed to point them out? They will not be remedied if they are not pointed out. Yet, in a measure of this kind, with the use of words of that kind "advise," "teach," "advocate," you will readily see that what may be said will fall, some of it, on sterile ground, some of it on fruitful ground, where it will mean peaceful change, and some of it on ground that is over-fertilized with suffering and injustice, and will produce the rank and noxious weeds of violence and disorder.

Now, that is the great difficulty that confronts the committee. We must deal with it intelligently and carefully and with a view to allowing the expression of discontent and dissatisfaction calculated to provoke desire for change and improvement and all kinds of orderly constitutional progress and economic, political, and religious development.

I could not think of anything that I would rather not hear than a man blaspheming on a street corner. Surely I love my God more than I do my country. I am not more jealous of some man criticizing my country than I am of him criticizing all mankind, the earthy expression of Deity. Yet we propose to allow that to continue.

Those who are crying out for this bill, if there be any such—and I have not heard of many of them—they are willing that men shall blaspheme; they are tolerant toward moral delinquencies of all kinds and all kinds of immoral teachings; but they have an idea, so it seems, that the laying of the hand upon our political structure is touching the ark of the covenant, and that a man must drop dead as the result.

Now, to proceed to the second section—I am just calling attention to these phrases as samples—as illustrations of the kind of expressions that you are bound to find in any bill that you consider. There are no other words to be used; it is impossible to report a bill that has not got these equivocal expressions in it.

Section 2 makes a criminal of whoever circulates any printed matter which “justifies” any act of force against the Government or “any person,” or against “any property” with the intent denounced in the bill.

Let me cite an illustration: I come from a part of the country that was once in active insurrection against the United States. Our libraries there contain books written by sympathizers with the Confederate States, which “justify” the South in the Civil War. Every one of those books is unlawful under this statute. They are clearly and plainly made unlawful, not by implication, but by actual terms, because they justify an act of force against the Government of the United States. There was force and violence used against the Government of the United States in the War of the Confederacy. And these books justify that and defend it—why, many of them, gentlemen, glorify it and call the men who did it patriots.

The CHAIRMAN (interposing). And we have got busts of one or two of them over at the Capitol. [Laughter.]

Mr. HUDDLESTON. Yes. You gentlemen will pardon me. I consider myself a good American. I lost an ancestor at Brandywine, and I have myself followed the flag as a common soldier; yet I am compelled to believe that men could have fought against the Government of the United States in the Civil War and still be patriots. I would be false to the very milk that I was nourished on if I did not feel so.

Understand this, that justifying the Confederacy is a direct violation of this law, for it does not merely make unlawful the justifying of acts of violence which are to be done in the future. It applies to justifying acts of violence done in the past. Those books would come directly within the law.

The CHAIRMAN. I do not think any court would so construe it.

Mr. HUDDLESTON. Possessing such books is clearly violative of the law as this bill would enact it.

Now let me go a little further: Advice may be given just as effectively by implication and inuendo as directly; and men can justify acts of violence against our Government, both future and past, by the use as illustrations of acts of violence against other Governments. I could defend a revolution against the United States by implication, by recounting the exploits and achievements of our Revolutionary ancestors.

This country had its birth in revolution. It is in our Declaration of Independence. That declares the right, and not merely the right

but the duty, to destroy a government when it ceases to perform its proper functions. Suppose I stand on the street corner and read the Declaration of Independence, and I cry with a loud voice: "That to secure these rights (life, liberty, and the pursuit of happiness), governments are instituted among men; that whenever any form of government becomes destructive of these ends it is the right of the people to alter or to abolish it." I stand there and cry that all day long; I would be a criminal under this statute.

The CHAIRMAN. If you did that all day, I should be inclined to think they would put you in St. Elizabeth instead of in jail. [Laughter.]

Mr. HUDDLESTON. I would be guilty because my intent would be bad, and the effect would be there, and the commission of the crime would be complete, under the statute.

And I might stand on the street corner and recount the story of the Russian revolution, the cruelties of the Czar, and what the people did over there, and by doing that, without referring to our own Government, or any abuse or defect in it, I might be encouraging people to rebel against the Government of the United States. I could be doing it actually, and yet I might be doing that with the utmost innocence.

So that the point I want to present to the committee—and I hope I have not taken an unnecessary length of time in doing it—is that, no matter what language you use in this bill, it is absolutely impossible for you to prevent cases where men may use exactly the same words and do exactly the same thing, and one of them be innocent and the other guilty.

And after all, it will come about, just as it did under the espionage act, that men will be tried by public opinion. If their standing is bad in the community, if their previous history is bad; if they are known not to be patriotic, and this, and that, all of which facts can and will be laid before the jury, they will be convicted, for from such facts will the jury be required to find whether the accused really made the utterance with criminal intent.

Now, that was the administration of the espionage act. I voted against that act. I thank God that I did. It was unnecessary; its consequences are afflicting us to-day; it will continue to afflict us. The occasion for the measure that we are now considering is to cure conditions caused in part by the espionage act.

The CHAIRMAN. That is a matter in dispute. This same condition exists the world over.

Mr. HUDDLESTON. No; not this same condition.

The CHAIRMAN. Yes; it does.

Mr. HUDDLESTON. Not the same conditions, but other similar conditions, brought about by other and similar acts of repression and other and similar wrongs and abuses.

The CHAIRMAN. If the newspapers are correct, it is the same situation. The usual aftermath of war.

Mr. HUDDLESTON. I accord to the chairman, of course, the right to his opinion; but I have mine too; and I do believe that the espionage act has come home, and will come home, to plague us. Under that act not a single spy, not a single enemy agent has been convicted, not a man who tried to aid the Germans in the struggle with the United

States; but on the other hand, some thousands of American citizens, some of whom would have died for our country had they believed it necessary, but who did not think well of the war, or of conscription, or did not like Mr. Hoover and his processes, or did not like to be hammered by bond-selling committees and forced to subscribe to this, that, and the other thing—they said this and that; they made foolish speeches or said unpatriotic things—went to jail, convicted by public opinion. That is what convicted them. They were convicted by public opinion; and any law which makes it possible for men to be convicted upon their standing in the community, simply legalizes lynching; and that is what it does, it legalizes lynching. Those who have good reputations and many friends and the ability to defend themselves get acquitted, on the other hand, the man who is under a cloud, has a bad character, and so on, is convicted on the general muster. It is legalized lynching; it legalizes mobbing by public opinion.

Now, as I said, these difficulties in framing a law up this subject are inherent; they can not be escaped; and they point the necessity that the committee should exercise extraordinary caution in approving any language for this bill.

I repeat that, because of the inherent nature of the subject, any law aimed at the freedom of speech must be couched in equivocal, doubtful, and uncertain language under which it is inevitable that innocent men, who are ignorant and poorly defended, will be convicted while guilty men who have high position and numerous friends will be acquitted. Such a law must inevitably be subject to grave administrative abuses and prove an instrument of oppression and tyranny in the hands of overzealous or arrogant officials. Such a law leaves the door open for the exercise of the widest discretion or whim upon the part of prosecuting attorneys and department agents. They will have it in their power to harass and indict innocent persons.

But it is not for those who may be convicted under a sedition law that I feel the deepest concern. Nor even is it for the innocent who may be unjustly charged and who may be acquitted. Rather is it for the common average man who will be intimidated under such a law. I dread the effect of such a law upon the people generally. They are not lawyers—they do not know where the line between guilt and innocence is—they do not know what they may or may not say under such a law. They will be hushed up. They will be afraid to criticize, to discuss, or to speak upon political and public issues for fear they may transgress the law. It is bound to follow that their loyalty and love of country will be weakened. Again I realize that the passage of a law against free speech will open the door to meddlers, busybodies, and eavesdroppers, who will be incited to spy on their neighbors and to inform on them. There will be less of mutual confidence among men, less of trust and free intercourse. The solidarity of our community life will be impaired as the result.

The consequences which I have pointed out are inevitable. Can it be possible that this committee can not see them, but will yield to the demand of the few who insist upon the passage of a sedition law? (Thereupon, at 5 o'clock p. m., the committee adjourned.)

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Tuesday, February 10, 1920.

The committee met, pursuant to adjournment, at 10.30 o'clock a. m., Hon. Andrew J. Volstead (chairman) presiding.

The CHAIRMAN. Mr. Ralston, do you desire to be heard this morning?

Mr. RALSTON. I am ready to proceed. This is a little shorter notice than I expected to receive.

STATEMENT OF MR. JACKSON H. RALSTON.

Mr. RALSTON. Mr. Chairman and gentlemen of the committee, we are confronting an extraordinary situation. I need hardly say—

The CHAIRMAN. Will you first state whom you represent and give us your name?

Mr. RALSTON. Mr. Jackson H. Ralston, representing the American Federation of Labor and the National Popular Government League.

The CHAIRMAN. Are you a member of the American Federation of Labor?

Mr. RALSTON. I am attorney for the American Federation of Labor.

Mr. HUSTED. You are their official representative?

Mr. RALSTON. Yes, sir; I appear by their request and have been their attorney for 20 or 30 years. Perhaps I ought to say, by way of explanation, that while I appear here for them in that capacity, I think it is fair to myself to add that I am not under a general retainer for the federation and not under any special retainer in this case, and that the actuating cause for my appearing here is my personal antagonism to bills of this character, an antagonism which I hope I have made clear is not supplemented by any fee.

Mr. HUSTED. All I wanted to find out was whether you had been officially requested to represent the American Federation of Labor?

Mr. RALSTON. Yes.

Mr. HUSTED. And whether you represent any particular view which you have been authorized by the American Federation of Labor to present here.

Mr. RALSTON. I have been requested by Mr. Gompers to appear in opposition to these bills. We have not gone over, in detail, all of the different points of antagonism. From the legal point of view I think it is proper and safe to say that he has left it to me to come to my own conclusions as to the line of objections which I shall present here.

As a matter of policy—general, wise, governmental policy—Mr. Gompers is opposed to bills of this character, and the American Federation of Labor is decidedly opposed to them. Perhaps that answers the question, at least as fully as I can.

When the Attorney General of the United States—

Mr. GARD. You say they are opposed to bills of this character?

Mr. RALSTON. Yes, sir.

Mr. GARD. You mean all bills defining sedition?

Mr. RALSTON. Bills, the effect of which, however they may be worded—and you can not word them, in my judgment, so as to avoid

it—the effect of which will interfere with ordinary freedom of speech or the ordinary conduct of men—

Mr. GARD. Are you opposed to the existing law on the subject?

Mr. RALSTON. No; quite to the contrary. I think that the existing law is ample to meet every reasonable contingency.

Mr. HUSTED. Assuming that the existing law is not sufficient, are you opposed to any kind of legislation to supply the deficiencies in the existing law which will prohibit and punish, if executed, the advocacy of force and violence to destroy the Government?

Mr. RALSTON. That involves an assumption that I find very great difficulty in making, and therefore I should find very great difficulty in answering the question. In a general way, I may say this: Our laws to-day are amply sufficient and beyond all question sufficient, as it seems to me, and so proven 20 times, to meet any combination or conspiracy that could be formed, the object of which is to interfere with the enforcement of the laws or to change the laws of the country.

Mr. STEELE. The Attorney General, when he appeared before us, stated that the existing law was deficient in this respect: That while it applied to conspiracies, it did not apply to individual cases. Are you opposed to the extension of the existing law to supply the deficiencies mentioned?

Mr. RALSTON. I am opposed to the extension of the existing law, because the effect of it will be to interfere with the ordinary freedom of speech, and further for the reason that such law is capable of abuse—ininitely greater abuse.

Mr. HUSTED. While I am speaking personally, I think I am voicing the sentiment of every member of the committee in saying we are opposed to legislation which interferes with proper freedom of speech or freedom of the press. I think we are all just as much against that as you are. The question I am anxious to have answered is whether you are opposed to the enactment of legislation, assuming we have no effective legislation covering the subject, which will punish an individual who, here, for instance, in the District of Columbia, gets out on the street and advocates the assassination of the officials of our Government in order to overthrow the Government.

Mr. RALSTON. You will pardon me for saying so and in the first place for not making the assumption—that I think that a man who gets out on the street and advocates a thing of that kind, as I have had occasion to say before another committee, is a direct candidate for St. Elizabeths, and a fool of the first water, and I think his folly would carry its direct and immediate punishment. I can not conceive of a man doing it, or, if he is doing it, I can not conceive of his words having any more effect than the ravings of an insane man and certainly not deserving of the consideration of this committee.

Now, the Attorney General said, with a great deal of frankness and correctness, before the committee the other day, that he found it impossible to draft an act which was directed to the prohibition of words of mouth. I think I am stating correctly what he said, and that therefore, when his department came to the drafting of the so-called Davey bill, the first section was carefully framed to avoid interfering in any way with freedom of speech. He said he felt that you could not draft an act—

The CHAIRMAN. If you will pardon me, I do not believe that is what you can gather from his statement. I think it is perfectly evi-

dent that he was discussing that bill with the understanding that it prohibited the advocacy of force or violence as a means of overthrowing the Government.

Mr. RALSTON. My recollection is very clear that he said particularly—

The CHAIRMAN. What I call your attention to is the fact that he argued for an hour or more, along other lines, and it is perfectly apparent that he presumed the bill prohibited advocacy of the use of force and violence as a means of overthrowing the Government.

Mr. RALSTON. For the moment I want to invite the committee's attention to what I understood to be his clear statement, following the general idea of which I have just spoken. He said that when they came to draft the first section of the bill, that they were careful to fix it so that spoken words would not be the antagonized point. Perhaps the chairman will remember that in substance.

To show to the committee how absolutely at fault the Attorney General was in that statement, and how little he knew—and I speak with all due respect for Mr. Palmer, for whom I have a high personal regard and entire respect—but to show how little he knew of the very act that he was asking this committee to adopt as its own, I invite your attention to the language of the bill itself in the first section, as follows:

Commits, or attempts, or threatens to commit, any act of force against any person or any property, or any act of terrorism, hate, revenge, or injury—

Without the slightest limitation upon the word "threatens," so that in the very act which Mr. Palmer brings before the committee words can be the subject of attack—spoken words—notwithstanding his, as I think, very mistaken statement to the committee to the contrary.

Now, then, what is this committee going to do, when the Attorney General of the United States brings a bill before it of whose very text and content and effect he himself, the Attorney General of the United States, is in a state of ignorance?

Mr. HUSTED. Mr. Ralston, I think that is an injustice to the Attorney General. Did he not say, in the course of his remarks, upon further consideration, that he thought that language should be stricken out from the bill?

Mr. RALSTON. I think not, although I am subject to correction.

Mr. HUSTED. I think he said the language "terrorism and hate" should be stricken from the bill.

Mr. GARD. He said he had no objection to striking it out.

Mr. RALSTON. He never, in his speech before this committee, made any reference to the use of the word "threatens" in the connection in which I speak, and after he left the stand, and when he was about to leave the room I said to him, "Mr. Palmer, I think you are mistaken in your statement before the committee when you say that the first section of your bill does not refer to spoken language. I think it does. Look at this word 'threat.'" Well, there is nothing to say about it, and he said, "Well, one can not justify threats." Of course, it is not necessary to justify threats in the literal interpretation of the bill. You are not justifying threats or antagonizing them in the bill except in the meaning of the word. It includes, therefore, against the statement of the Attorney General, against

apparently the opinion of the drafters of the bill, spoken language. We have, therefore, a first section the meaning of which the very framer of the bill knows nothing of or is ignorant of.

Mr. GOODYKOONTZ. You are opposed to any provision being enacted into law here which forbids the spoken word, no matter how severe or how antagonistic; in other words, an anarchist may go into a public place in Washington and openly advocate anarchy, which we know means forcible destruction of property. You are for that being done without any restraint of law?

Mr. RALSTON. You can not draft a law, in my opinion, and certainly that has never been done, which can be aimed at one expression of free speech without hitting another. Let us consider the situation, for a minute, in the light of history and practical experience. Doubtless numbers of you gentlemen have done as I have, gone to Hyde Park, in London, on a Sunday afternoon, and you have seen every 50 feet a man who is the center of a crowd, perhaps on the proverbial soap box and perhaps not, addressing the crowd on any imaginable subject. He may revile the Queen, he may revile religion, he may do whatever he pleases, and the police will simply preserve order among those listening to him. That is the English idea, if you please, of free speech as illustrated in Hyde Park. And we have had the same thing, unless until recently, in Boston on the Commons.

The CHAIRMAN. Nevertheless, England has adopted very stringent laws against sedition.

Mr. RALSTON. England has adopted very stringent laws against sedition. I will grant that they have laws against combination, but not against freedom of speech.

The CHAIRMAN. They have laws against the use of speech by the individual much more sweeping than anything contained in any of these bills.

Mr. RALSTON. Not that I know of, unless that may have come with war time, because there has been the utmost freedom of speech in England at all times. I do not undertake to say what has been done since the war began.

The CHAIRMAN. Oh, no; they are laws that have been on the statute books for centuries.

Mr. RALSTON. I know what I have described did occur in Hyde Park, and has occurred many times, without interference.

Mr. GOODYKOONTZ. We want to do what is right to protect free speech and the freedom of the press, and we want to get as much light from your statement as possible so as to enable us, if possible, better to fulfill our public duties.

Mr. RALSTON. I assume the utmost good faith on the part of anybody who may not agree with me.

Now, we have, therefore, a proposition which, in its first paragraph, does interfere with the fullest freedom of speech. You say, if you please, that freedom of speech may interfere with and may be a threat to do some particular kind of injury, and therefore it is a speech which leads or might conceivably lead to an immoral act, and therefore this law should be passed. Now, there are several considerations to be borne in mind at this point. We have lived, as a country, for much over 100 years, practically since our Constitution was adopted, 133 years without needing this legislation. We

made an attempt at getting legislation of this character in 1798, and there is, after all is said and done, a very striking parallelism between the acts which are before this committee and the alien and sedition law of 1798. We have somewhere here the exact text of the act of 1798. That perished under a load of obliquity in comparatively a few months. We passed through the period of 1812 without needing such legislation, and through the war with Mexico without it, through the Civil War without it, when the danger to the framework of the Government was right here at home and must have been acknowledged, and in all that time, under the greatest stress of circumstances, we needed nothing more than section 6 of the Criminal Code.

Now, it is up to the Attorney General or those who advocate this law, to present, a straight, clear case for its existence, but, perhaps before I discuss that phase of it I ought not yet to part with the Davey bill and its text.

The second section of the Davey bill is one of tremendous import and extent. I do not think that in one reading or a dozen readings the committee can get a full idea of the extent to which that second section goes. I do not profess to understand all of its implications. I fear it when it goes into court, but there are some implications which do spring to the eyes, as the French put it sometimes, on slight consideration. Any act, almost, which might be named, against the Government can become sedition and can send its perpetrator to the penitentiary for 20 years—any act contrary to the laws of the United States. Now, that is not too broad a statement to make.

If a man resists arrest, he is resisting an authority of the United States, and under that second section, resisting an authority of the United States, he is liable to be charged with sedition and to go to the penitentiary for 20 years.

Now, part of the language is to oppose, hinder or delay the execution of any law of the United States, or the free performance by the United States Government or any one of its officers, agents, or employees of its or his public duty, commits, or attempts to threaten to commit, any act of force against any person or against any property, or any act of terrorism, etc.

A man who, therefore, fights a police officer is guilty of sedition. The man who interferes with the transportation of the mails is guilty of sedition; the man who disobeys the injunctive processes of the courts in any shape, it is not too much to say, under a thorough interpretation of that law, is guilty of an act of sedition.

Mr. HUSTED. I have not a copy of the Davey bill before me, but must not that act be committed in the execution of a design to overthrow the Government?

Mr. RALSTON. No; I do not so read it, if you will pardon me. The language is:

Whoever, with the intent to levy war against the United States, or to cause the change, overthrow of the or destruction of the Government, or of any laws or authority thereof—

Now, that is one clause, and the next is—

Or to oppose, prevent, hinder, or delay the execution of any law of the United States.

That is one of the purposes of this bill. It has nothing whatever to do with the intent to overthrow the Government. It is an entirely distinct clause. So there is no act, however trivial it may be, which may be committed against the Government or against an agency of the United States, which is not, by the very terms of the act, turned into an act of sedition, and the people perpetrating it go to jail or may go to jail for 20 years.

Mr. SUMNERS. If those subsequent clauses of the section could be coupled up with the first two or three lines of the bill, which would make every act, in order to secure a conviction, depend upon the intent to destroy the Government, would that relieve your objection?

Mr. RALSTON. It would relieve the specific objection, possibly, in a measure, but it would not relieve the bill from other very serious objections. May I add just one word before coming to that to this particular phase I am speaking of now? A man, as I say, who resists the police officer with violence, the man who breaks jail, breaks the bars of his cell, because he is exercising force against property, is guilty of sedition under that act. Now, then, I see an arrest made by the authority of the United States, but which, in the last degree, seems to me unjust. I see it resisted, and with good judgment or with bad judgment, no matter, I write to a friend of mine and I say to him, "I saw such and such an arrest. That arrest was an outrage. I think the man who was arrested was justified in fighting against that arrest and escaping from it if he possibly could."

Now, that is a thing that has been said a hundred times. It has been said and was said with force, and, looking back to it now, many of us think with reason, at the time of the passage of the fugitive slave act; but there is no man who, if that law had then been in effect, at the time of the fugitive slave act—there is no man who, with any degree of force may have assisted a slave to escape, who would not have been guilty of sedition and liable to 20 years' imprisonment: the more so if, in writing to a friend, he says that he did right: "I should have gotten in the way of the police officer hunting the slave." because he would have been justifying, under this act, a violence committed against the person or property of the—

Mr. SUMNERS. Would it break your line of argument to ask you a question?

Mr. RALSTON. No.

Mr. SUMNERS. By coupling it with the establishment of the fact that that act was intended to destroy the structure of the Government, would that answer your objection? If it disturbs your line of argument, I will not press it.

Mr. RALSTON. I intend very fully to come to that, and perhaps I have come to it now.

Mr. SUMNERS. I did not want to interrupt you.

Mr. RALSTON. But I do want to make it clear that there is no operation of the Government, if resisted in any shape by so-called force, which may not be made dangerous. There is no definition of force. That force may be physical and it may be mental. It may be the stress of circumstances which is involved in a strike, or a boycott,

or in a hundred different phases: nor is there any definition of "terrorism." What more general word is there than "hate"? But, of course, we recognize the fact that the Attorney General himself tends to admit he has made a mistake in using that particular language; but it is only one trivial mistake in the bill, which is a mistake from beginning to end.

The question has been asked, and perhaps I should come to it now—and can as well come to it now—as to whether any of the subsequent clauses, if coupled up with the clause involving the overthrow or change in the Government, the objection would be relieved—"causes the change, overthrow, or destruction of the Government, or any of the laws or authority thereof" is the particular language of the act.

I say this, Mr. Chairman and gentlemen of the committee, that if you could couple that up and limit that by the words which I have just read, you would not escape very serious danger. You are then opening a broad field of interpretation for the courts. You say the courts will be careful to limit it. Not so, with all respect. The members of this committee must have seen a week ago to-day, I think, or yesterday, in the Evening Star, the report of the speech of Judge Landis in Chicago—either in Chicago or Minneapolis—where Judge Landis, in a speech, said the Socialists and the I. W. W. and the nonpartisan leaguers are all traitors to this country, and added, in substance, that he would see them shot.

Mr. HUSTED. I am frank to admit that is a very intemperate speech, of course. It can not be taken, I think, as fairly representing the attitude of the bench. I doubt if there is another man on the bench who would make a statement of that kind.

Mr. RALSTON. That may be and probably is correct, but it would be very inconvenient to be tried before him.

Mr. WALSH. Do you think that speech would be in violation of this bill?

Mr. RALSTON. I think perhaps it would, because it involves the establishment of an entirely new tribunal which would be in violation of the present law.

If there is no objection I would like to make this statement a part of my remarks.

The CHAIRMAN. Very well.

(The matter referred to is as follows:)

[Seattle Post-Intelligencer, Monday, Feb. 2, 1920.]

EXECUTION OF TRAITORS IS ADVOCATED BY JUDGE LANDIS—CHICAGO JURIST URGES SUBSTITUTE FOR DEPORTATION—ATTACKS SOCIALIST PARTY FOR TREASON IN WAR PROGRAM.

MINNEAPOLIS, February 1.

Execution rather than deportation of "treason agitators" was advocated by Judge K. M. Landis, of Chicago, who branded the Socialist, I. W. W., and kindred organizations as "traitors to the country," in an address before the American Protective League here last night.

Judge Landis reviewed the platforms and activities of "red" organizations and urged "war to clean up the whole bunch of them."

"What we need is a new definition of treason," Judge Landis said, "then we can use the side of a barn for those who would destroy our Government. We must destroy the would-be destroyers."

Judge Landis vigorously denounced profiteers and socialists and the latter's war program.

"The Socialist Party is guilty of the crime of treason," he said. "I condemn them as heartily as I can. They can't have immunity where I happen to be."

Regarding the profiteers, he said: "The English language is bankrupt for me to express my contempt of profiteers. When the political organization that I used to train with gets into power next fall I'll point out a few of these 'gentlemen.'"

The Non-Partisan League also was attacked.

"I understand some candidates are flirting with votes of the Non-Partisan League," he declared. "They hope to get some Republican or Democratic votes and then the Non-Partisan vote. Let those fellows content themselves with this kind of votes. They hope to get in power by a split vote of good citizens. Forget the Republican and Democratic parties. Get together and beat them. The Socialists, the I. W. W., and the Non-Partisan League are all the same—their fundamentals are the same."

Mr. RALSTON. The movement referred to, of the non-partisan league, is a political movement and possesses no form of violence. It proposes sundry governmental agencies, some of which are in effect, although largely experimental, but Judge Landis is not, I am sorry to say, in all probability the only intemperate judge on the bench.

Mr. THOMAS. What about Judge Anderson, of Indianapolis?

Mr. RALSTON. I am not going to differ with you, but I shall not express an opinion upon the point of Judge Anderson's peculiarities—they are certainly very well understood by the labor organizations, and perhaps by the public at large. I think we are amply justified, particularly in view of the reference made, in saying that Judge Landis is not the only judge on the bench who would lose his head, and therefore likely to create more anarchists or disturbers of the law than he can put into prison—

Mr. THOMAS. Would you put Judge Evans, of Louisville, in the same category?

Mr. RALSTON. I should prefer not to express an opinion about that. I have an unexpressed opinion about Judge Anderson.

But following the particular point that I have in mind as to the safety of having an act with that limitation, I want also to refer to another clause, which unfortunately I have not with me, but cited in this week's number of the Literary Digest, the opinion of Mr. Skeffington, the agent of the Department of Labor, who would simply revel in a provision of that kind, with the faith that he could deport, and deport, and deport men for the most casual expressions of opinion, because there is no certain rule as to what changes in the Government should or should not be allowed.

And may I refer to the statement of the Attorney General before this committee the other day? The committee will remember that he produced here communistic literature. Now, I have no apology to make for the communistic party. I have no sympathy with them. I think they are idle dreamers, if you please, and I think the committee must have been astonished when the only language, certainly the most important language, which was produced by the Attorney General, quoting from the Secretary of Labor, used by the Communist Party was language which could have been, at least, susceptible of two interpretations, one an absolutely innocent one, and the other interpretation the Secretary of Labor chose to give to it, and on that question of doubtful interpretation, men who were perhaps the most innocent and most law-abiding citizens, who might possibly be found in the country, have been ordered wholesale from

the shores of the United States, torn from their families, and torn from their families, in many instances, without the slightest regard for the constitutional guarantees on which we pride ourselves. So I say it is the old case, give an inch, take an ell, so far as this sort of fight is proposed, against those who would change or modify any of our governmental institutions.

Mr. HURSTED. You think, as a matter of fact, any people were deported by the Department of Labor who were not avowed enemies of our Government and who would not destroy it if they had an opportunity to do so?

Mr. RALSTON. As far as my information goes, which may be limited, I doubt if there are a half a dozen who have been deported from the United States who have the slightest interest in destroying this Government by force or have any interest in it at all. I think the powers of the Government have been abused to the very last point in the treatment of these men. I think, without making any plea for them as individuals, for I know not one of them and care nothing for them—I think that we have given, within the past few months, American freedom a black eye; and, as an American, I feel ashamed. And why have we done it? The Attorney General comes here and says this law is needed, and it was up to him to show a cause. Let me refer to what he said as evidence of this law being needed, the most extraordinary statements that have been made for apparently—I do not like to say designedly so, but apparently—for the purpose of disturbing public opinion and calculated to do it.

The Attorney General said on three several occasions that the lawless element of this country proposed the overthrow of this Government by a disturbance; one, I think, was in May, one in July, and one in September; and that the Government of the United States practically said "boo" each time and that the disorders were put off in consequence of that remark, and put off repeatedly, and, finally, nothing had come of them.

I looked upon him with amazement when he made that statement.

Can you suppose, for an instant, that if there had been a genuine desire on the part of tens of thousands of men to assault the Government of the United States they were going to be deterred from it by some expression of the Department of Justice in the newspapers? It seems to me, if you will pardon my saying so, farcical.

But there is stronger inherent proof of the nonsense of that statement—its inherent nonsense. If that statement were true, and there were these tens of thousands of men plotting the destruction of the United States, can you, for an instant, believe that from last May to the present time the Government of the United States, so far as I am aware, has never convicted a single man of a single offense connected with it? Consider the charge which the Attorney General makes, that these men were plotting to do this thing—plotting. That is against the law. You need no additional law for that. The men who plot the destruction of this country come under section 6 of your criminal code, which you have before you or can get conveniently; and yet, month after month, almost year after year, goes by, and with these horrible anarchistic plots the Attorney General of the United States, with \$3,000,000, I think, placed at his disposal by your generosity—I might be pardoned for saying, with

your credulity—the Attorney General, with \$3,000,000 at his disposal can not convict any two men or three men for joining in these plots against the Government of the United States.

Mr. WALSH. What is the number of that section to which you referred?

Mr. RALSTON. Section 6. He has had it before him. That has been in existence since the Civil War; and since that war there have been scores of convictions when there was ground for conviction, and yet he does not use his powers that are in his hand. He has not used such powers because there was no occasion to use them, with all this expenditure of money. Furthermore, I say that the statement is intrinsically impossible. In all this time where were the stores of arms with which the Government of the United States was to be destroyed; where were the bombs? Where were any of the instrumentalities which were to bring about this terrible result? Either they did not exist or we have such an absolutely inefficient Secret Service to-day that they could not find them.

Now, I think we have an Attorney General—and I say it with respect, and, if you please, with a liking for him—we have an Attorney General setting up hobgoblins of the mind, and asking you to do things which will be against the liberty of the people, so that he can get at those hobgoblins, which have no existence in fact.

Mr. HUSTED. Do you believe the soviet government, through their agents in this country, desire and intend to bring about a revolution in this country by force and violence if they see an opportunity to do it?

Mr. RALSTON. I think it is perfectly farcical to believe it, if you will pardon me.

Mr. HUSTED. I just asked the question.

Mr. RALSTON. Not for an instant. Think of what has been attributed to the soviet government. As a bugaboo it has been run into the ground, and I say that with no knowledge except what has been printed in the newspapers and having no particular opinions for or against it.

Mr. HUSTED. Do you not believe there is sufficient evidence to warrant the belief that the soviet Russian Government has had that intention with respect to the European countries like Spain and France, for example?

Mr. RALSTON. I do not. To credit that, what have you to believe? You have got to believe, if you put any credence in the newspaper statements, that the Government of Russia, in the midst of serious internal war, fighting for its very life on its own land, is engaged in propaganda in Japan, in China, in India, in Mesopotamia, or Germany, in France, in England, and in the United States, and any other of the large countries of the world. You have got to believe that it has untold wealth; you have got to believe it has a missionary force that has never been equaled in the world before; you have got to believe that it has the power to distract its attention from the rebellions at home and seek other countries in which to operate; you have to be credulous to the last degree to believe that.

Mr. CURRIE. It is my understanding that Mr. Martens, or some other authorized agent of the soviet government, takes the position that the program has been changed; that originally it was for the purpose of creating a revolutionary spirit and rebellion in this

country and various other countries as a matter of defense for itself by diverting attention.

Mr. RALSTON. Well, I do not—

Mr. CURRIE. You now ask us to believe that they no longer harbor those intentions?

Mr. RALSTON. If he made that statement—of course, the newspapers have made such statements that I take almost everything I see in regard to the Soviet Government, one way or the other, with a grain of salt—but, at any rate, that would seem to indicate a return to common sense, if they ever had such an idea. If they had such an idea, they have been brought to a realizing sense of its impossibility and a very definite idea of its foolish impossibility, and it is something that should give us not an instant of concern.

I spoke of conspiracies supposed to exist in this country. I have before me some numbers of the New York Times, which announces in its caption that it has all the news that is fit to print; it will not print personal scandals, but it seems to have no hesitation at all about printing things which we must all know to-day are false. Just look at the headlines. This is October 15. I take just a moment to glance at these headlines:

Uprising of red plotted at Gary—Military and Federal agents find conspiracy to blow up cantonments and buildings—Trace attempt on Palmer—One Gary man is arrested and two others sought for part in May Day outrages.

You have not heard of that since October. At least, I have not.

Let us take October 17:

Fifty thousand aliens here spread their radicalism—Government official tells of wide agitation on Bolshevik lines—Backed by a rabid press—Subversive propaganda pushed among workers by foreign-language papers.

A good sensation for a day!

Take October 30:

Nation-wide bomb plot unearthed—Carnival of murder was planned for next May Day by anarchists—One arrest made here—Evidence gained in Cleveland roundup, where police chief and another were doomed.

Who knows anything about it, and that was only three months ago. It has come to nothing—imaginary plots.

Now, we come to a real outrage, but which is not stated as such. I have here the Times of November 9:

Seventy-three red centers raided here by Lusk committee—Hundreds of prisoners and tons of seditious literature taken to headquarters—700 policemen take part—Chairman Lusk tells of admitted determination to seize the Government—Palmer to deport reds—More than 200 seized Friday must leave country—60 more taken in Bridgeport.

For what? Nobody knows.

Another abuse of Federal power committed by the Department of Justice. Again on November 11—

Mr. IGOE. Was not that raid conducted by the State of New York; by the Lusk committee?

Mr. RALSTON. Yes; but Palmer's name was mentioned in that article.

On November 11 we find the following:

Three hundred and ninety-one alien reds now under arrest—No "let-up" in drive on violent radicals—Will rush deportation—Attorney General brings proceedings—\$10,000 bail is the least accepted.

May I call your attention to the last line? Without hesitation it places upon these men whose guilt is not proven an absolutely prohibitive bail, contrary to the language of the Constitution of the United States.

Again on November 14:

Raids ordered by Palmer—I. W. W. editors and directors at Seattle held under espionage law—Roundup in Spokane—74 prisoners taken by the police at meeting in a hall—Arrests in other cities—More Russians jailed in Baltimore—Red appeals circulated among dock men.

That reminds me of what happened in Seattle when a labor-union paper, under the direction of the Federal authorities, was simply shut up and not allowed to issue for some time, and its business largely destroyed. And this paper had to go back to the owners.

Mr. HUSTED. Are you familiar with the paper called "The Revolutionary Leader"?

Mr. RALSTON. Here we come to the most important part, January 3:

Reds raided in scores of cities—2,000 arrests, 500 in New York—Deportation hearings begin to-day—Raid from coast to coast—Secret-service men make simultaneous swoop—Preparing for six months—Have evidence showing campaign to form soviet councils and overthrow Government—More raids will follow—Deportation of prisoners accused of advocating revolution will be asked.

We have, on Thursday, November 20, the following:

Plot to put bombs in Christmas mail—Philadelphia police report discovery of nation-wide red conspiracy—Aimed at high officials—Explosives were to be concealed in ribbons and holly marked as gifts to victims.

It serves the purpose of somebody. May I say that that sort of thing was, under the Government of the Czar, the commonest thing in the world? The police created and discovered conspiracies from day to day. I do not say that our secret service does it, but there is a remarkable resemblance between the things that happened under the Czar of Russia and the things that are happening under what we are pleased to term the Department of Justice of the United States.

On November 26 we have the following:

Red bomb laboratory found here; hid in secret room in Russian's house; Martens again defies Lusk inquirers. Deadly T.N.T. discovered—50 bottles and phials found hidden in chamber—material for 100 bombs—Detective Cornelius Browne located concealed room by sounding the walls. Membership list taken—experts in explosives to examine chemicals—Police have important clues.

Now, in connection with that, may I ask the members of this committee to refer to the testimony of Capt. Swinburne Hale, before the committee on Rules the other day? These things, whatever they were, were found in a cupboard and that deadly T.N.T., in all probability was bicarbonate of soda, and yet that is the sort of thing that the American public is fed up on.

Mr. YATES. Mr. Chairman, may I ask what material that actually was that was supposed to be this T.N.T.? Do you know, Mr. Ralston?

Mr. RALSTON. No; they never even analyzed it, so far as any information that I have gathered. I am speaking now largely on what Capt. Hale said before the Rules Committee.

Mr. SUMNER. It was not bicarbonate of soda that was in the bomb that was laid at the Attorney General's residence?

Mr. RALSTON. No; and strange to say, although eight or nine months have gone by since that outrage occurred, and although the Attorney General has at his command \$3,000,000, his secret service agents have never been able to discover a single man who was connected with that bomb outrage. They have arrested—and I will speak about that in a minute—perhaps scores. They have arrested them here in this city—innocent men.

Mr. BOIES. There was not very much left of the man who dropped the bomb.

Mr. RALSTON. No.

Mr. HUSTED. Do you think the execution of the bomb plots was in line with an organized plot or conspiracy?

Mr. RALSTON. Nobody knows.

Mr. HUSTED. Do you not think they justified the great activity on the part of the Department of Justice—justified the arrests of persons who might be reasonably suspected of being implicated in it?

Mr. RALSTON. Yes; reasonably suspected, but not innocent men.

Mr. SUMNER. Is it your judgment that these various acts of violence resulted from either a conspiracy or from the influence upon ignorant and susceptible men of the preaching of violence on the part of isolated individuals who simply got a notion into their heads—

Mr. RALSTON. It is very hard to say. There are criminal elements in every country and there is such a thing as provoking criminality by criminality, and the most dangerous criminality and the most dangerous provocation is departure from the law by the law authorities. That may not be an answer to your question in a sense.

Mr. SUMNER. Yes; you are hitting at it.

Mr. RALSTON. There are certain methods of treatment which may be handed out to people which will provoke the very evils they are designed or supposed to be designed to suppress.

Mr. SUMNER. If it will not interrupt you, I desire to ask you a question.

Mr. RALSTON. Not at all.

Mr. SUMNER. A statement has been made before this committee that chiefly among the foreign element of New York City—at least this was within the knowledge of the witness—that possibly 300,000 people had fallen under the influence of persuasive individuals and had gotten it into their heads that there are grave injustices being perpetrated in this country, perhaps inherent in the structure of this government, which they had a right to exercise power to destroy. While you are discussing this thing—and it is the only thing I am interested in, or at least the chief thing—will you discuss whether or not it is better to let that thing run its course, or whether it is better to undertake to protect these people from the influence of these individuals who oppose what heretofore has been the established idea, and I believe still is, that our correction of the Government should be by the ballot, whether in your judgment in attempting to eliminate those folks who are doing that sort of thing, we possibly would do more harm than good?

In order that you may have some idea about my own mental attitude—and it is the mental attitude of a good many members of the committee—it has seemed to us that this group of agitators not only could have a bad influence on the individuals with whom they come in contact but that their influence would react against the fair and just claims of certain classes of our people for relief from conditions in this country to which they would have a right to relief, and in which they would have the support of public opinion in getting relief but for the prejudice aroused by this agitation; in other words, possibly this agitation is doing more harm to the people who need the support of public opinion, which support the general public would give but for this aroused prejudice. Would you mind giving us some information along that line and your idea or judgment about it?

Mr. RALSTON. Yes; there are two general positions to take. One is for liberty, with all the evils which may be attached to it, and the other is for repression. I do not know myself any halfway point between the two. Liberty has been tried in England, let us say, for 200 years—the fullest liberty—and it has gone through the stormiest times. It went through stormy times in the French Revolution; it went through stormy times 100 times more dangerous than the trouble we are going through at the time of the Chartists in the forties; and I am strongly reminded of the remark of some alarmed patriot to the Duke of Wellington. He said, “But the country is in a dangerous condition; we are going to have a revolution.” When we consider the thousands and tens of thousands meeting and protesting against his Government’s action on every town green or commons, he might have been well justified in his remark. Wellington said, shaking his head, “There will be no revolution in England except by act of Parliament.”

Now, I think if we would forget our fears for a few minutes and reflect upon the stability of the American institutions, reflect upon the fact that there is not likely to be any revolution in this country except by act of Congress and acts of the State legislatures, we would get ourselves in a more moderate frame of mind and a truer one.

Mr. SUMNER. In countries where revolutions against tyranny and free popular government have already taken place, as in our own country, I believe we will agree that where people have advanced sufficiently far to elect their rulers, and the hereditary rulers will not grant them that right, that revolution is not only a right but a duty; and the ballot has been put in the hands of the people. Ought that not end revolution by force? Should there not be recognized a dividing line, and would it not be legislatively possible to recognize a dividing line on this question of liberty of speech? Why should not the American people, through their Government, say that they do not propose to have folks running around the country advocating revolution by force?

Mr. RALSTON. We have changed our form of government and we will all certainly agree that we have changed it very much to the betterment of ourselves and to the betterment of the world, but we have not changed human nature; and the same human nature which made, in the past, repressive laws dangerous is likely to make that same class of laws dangerous in this country.

Mr. HUSTED. Do you not think that the communist party in this country would bring on a violent revolution if they thought they saw any chance of making a success of it?

Mr. RALSTON. If they saw any chance to make a success of it they would not have to revolute. They would have a majority and there would be no earthly use of it.

Mr. HUSTED. Do you not think that the purpose in their hearts—the purpose of the violent revolution, from what you know of the party and have seen of their activity and of their literature—

Mr. RALSTON. I know very little of the party and have seen very little of their activities. I do not know, so far as I am familiar with it at all, that there is anything in the principles of the Communist Party which would interfere with its operation or the operation of its principles under our system of Government.

Mr. STEELE. You have read the conclusions of the Secretary of Labor, in which he discusses their constitution, and he came to the conclusion they are anarchistic?

Mr. RALSTON. It seems to me he came to that conclusion on very slender evidence.

Mr. CURRIE. You do not agree with the Secretary of Labor's interpretation?

Mr. RALSTON. No, sir.

Mr. CURRIE. Did you hear, for instance, of one Dr. Max Holmes, concerning whose statement the attorney general of New York—

Mr. RALSTON. No, sir; I have read many alleged stories—

Mr. CURRIE. This has the word of Attorney General Newton, that it was the answer of this Dr. Max Holmes to the questions propounded to him by the Attorney General himself.

Mr. RALSTON. I can not speak of that with any knowledge; unfortunately I was not here. As I understand it, the statement was read as coming from the I. W. W. that they favored organized direct industrial action. Now, the most objectionable meaning I have ever known to be given to those words is that certain people who have employed some of them, at any rate in the past, have had reference to sabotage, which is quite different from revolution. Sabotage means the destruction of plants.

Mr. STEELE. Direct action means the overthrow by force as distinguished from parliamentary action.

Mr. RALSTON. I am inclined to think otherwise, if you will pardon me.

A friend of mine prepared what I think is a very effective answer to the suggestion that repression was better than liberty in this sheet which I have before me. We have, aside from the pictures of the rulers who have gone to their destruction under repressive laws, the text of the laws themselves, and you would have great difficulty in differentiating the laws which spelled ruin for the heads of governments through repression, from the laws which this committee has been asked to report favorably. Among those sufferers are shown, by this particular sheet, the Stuarts, the Bourbons, the Romanoffs, in 1917; the Hohenzollerns, in 1918; and the Hapsburgs in 1918.

The **CHAIRMAN.** Can't you imagine some other causes for their fate than sedition laws?

Mr. RALSTON. They helped. They undermined the faith of the people in their country.

The CHAIRMAN. I grant you oppressive sedition laws may have contributed, but it is a far-fetched conclusion to ascribe the fall of the German Kaiser to any such law. The fly in the fable imagined it made the wheel spin.

Mr. RALSTON. No; but this is something more than a fly on the wheel. You had in Russia, for instance, as you know, the educated class of Russia driven into a situation where you had them working underground and thousands sent to Siberia.

The CHAIRMAN. Instead of the sedition laws being responsible for that, was it not due to the unjust condition under which those people lived?

Mr. RALSTON. That had very much to do with it.

Mr. SUMNER. As a matter of fact, the opportunity was shut off to bring about any change through the free exercise of the ballot?

Mr. RALSTON. That is very true. It is their only safeguard, and the fact that we have that safeguard in this country makes these laws unnecessary.

Mr. SUMNER. Yes; and that fact makes people rather impatient with folks who go around talking about revolting.

Mr. RALSTON. That may be so, but it is no justification for their losing their heads.

Mr. BOIES. I feel that the people generally are afraid that this committee will recommend many things to Congress for consideration and passage that it does not think of. Now, I understand, from the statement of the Attorney General, that section 6 of the Criminal Code will take care of two or more individuals—conspirators—and that he asks for an amendment that will take care of the individual who advocates the overthrow of this Government and the murdering of public officials by physical force and violence. Now, if we will boil all these points down to the one that I believe is generally in the minds of this committee, to get after the fellow that does advocate the use of physical force and violence to overthrow this Government, that we will get along more rapidly, and that we will get at probably the wishes of this committee, to present that point for careful consideration.

Do you believe that Congress should not pass a law to restrain the man who does advocate—the anarchist who does advocate—the overthrow of this Government and the murder of public officials—by physical force and violence?

Mr. RALSTON. I believe that Congress should not enact such a law for precisely the same reason that the Attorney General said it should not enact a law, as he did the other day, because you can not draw the line against free speech.

The CHAIRMAN. Practically every State has a statute along this line, statutes that have been on the statute books for many years, and can you tell me how many have been sent to prison, without cause, under those statutes?

Mr. RALSTON. I could not undertake to say.

The CHAIRMAN. Yet they are on the statute books, and are considered necessary for the purpose of preserving peace in the States.

Now, to some extent the objects in passing a Federal law is to supply a deficiency whereas, in some cases, there may be a temporary suspension of State law in certain localities. And because there

is a class of cases that the Federal Government can reach better than the State governments, as it can issue subpoenas across State lines, a person commits an offense in a State which ought to be punished, but the witnesses skip across the State line where the States can not get at them. Now, there are reasons why the Federal Government should have a law that would reach the situation. I do not believe you can find any country, no matter how liberal the form of government, that does not have such laws. Why should this Government be deprived of such legislation, deprived of an opportunity to protect itself? It seems to me that the question before us should be the character of the legislation if any. Why can not the Federal Government be trusted as well as the States, or as well as other countries with the administration of such laws?

Mr. RALSTON. The question, Mr. Chairman, would be impossible for me to answer in any specific way. You speak of that sort of law. One can hardly speak of a specific law and the principles applying to that specific law—

The CHAIRMAN. I shall take the liberty of putting an abstract of the various laws into the record so that they may be seen.

Mr. RALSTON. Very well, sir. I have stated that there is now on the statute books a sufficient law to meet every occasion. I have read different expressions which, if they mean anything at all, meant there have been a score of conspiracies in our country, and they have vanished into thin air. They do not exist, and therefore the language or the talk of certain individuals, which it is now proposed to get at, has come to nothing.

The CHAIRMAN. Still they punish them in the various States, and counties, regardless of that fact.

Mr. RALSTON. There have been attempts, in New York City, to punish them. Whether any of them have succeeded or not, I am not prepared to say. I know some have failed.

Mr. HUSTED. I judge from what you have said, and from the well known attitude of the American Federation of Labor, that you do not favor unbridled advocacy of force and violence.

Mr. RALSTON. Not for an instant.

Mr. HUSTED. To overthrow the Government of our country?

Mr. RALSTON. No, sir.

Mr. HUSTED. Now, that being your attitude, why do you oppose the enactment of a simple statute designed simply and solely to prevent and punish the advocacy of the destruction of our Government by forcible and violent means?

Mr. RALSTON. Because I can not draw the line; because I find at the present time we have judges like Judge Landis, we have immigrant inspectors like Skeffington, we have newspapers like the New York Times, and we have a Secretary of Labor who, in my judgment, has been led into serious error—we have at any rate, all these people who, on the theory that they are protecting the Government from some unknown attack, are striking down or pronouncing themselves ready to strike down the most ordinary liberties of the people.

Now, if you have got that condition to-day, without a law, when it is merely talked about, you can imagine for yourselves what confusion you would have if there were the slightest excuse or justification under the statutes for interference with free speech at all.

Mr. BOISE. But before you get to the judge you must get by the 12 men sitting in the jury box.

Mr. RALSTON. And you and I know the sway and power that a judge sitting in one of the Federal courts exercises over the 12 men in the jury box.

Mr. SUMNERS. Have you ever thought of this, that a handful of these agitators are creating all of this anxiety and reactionary extremism and that if something is not done to shut up this bunch of people, that they will build up in this country a wild-eyed attitude toward anybody who gets upon a soap box and makes a speech?

Mr. RALSTON. I have thought of that from that point of view, and also from a parallel point of view. It is unquestionably true that one extreme begets another, and if one man gets out on a soap box and denounces the Government and calls for its overthrow, he is apt to find an extreme resistance from some judge on the bench who will lose his head. It is one extreme begetting another.

Take the reverse case: When we find the Department of Justice throwing, without sufficient cause, thousands of people into jail; when we find them deporting men, and proposing to deport men by the thousands; when we find them carrying these men from their gainful occupations, and carrying them away from their families because of some question of doubtful interpretation of some supposed manifesto, or some card—when you find all that being done, I, as an American, fear lest the Department of Justice and the agencies of justice are creating an extreme condition which will rebound to the injury of our country.

Mr. SUMNERS. Personally, I do not have any fear they will overthrow this Government. There is not anybody who can overthrow this Government, but I think here is the danger in this situation, that you will prejudice the attitude of public opinion against free speech to such a degree, if we do not stop these people preaching revolution, that later on there will come such a prejudice of public opinion that it will require our doing something more radical than we would think of doing now. I have seen the swing of attitude in my district. It looks to me as if these people will not hurt the Government so much as they will hurt people who are entitled to more liberal treatment at the hands of the public and the Government.

Mr. RALSTON. The thing that has been done, and persistently done, and with a motive behind it, as it seems to me, has had its effect on the people in your district, and that is the circulation of just such news, and glaring headlines about bogus conspiracies as those to which I have called the attention of the committee, and on which the people of your district, and perhaps the people of all the districts in this country, have been fed up, and that causes in very large measure such agitation, and such demand as may exist for the suppression of freedom of speech, and such demand as is likely or may impel Congress to an extreme which will result in a reaction of a very serious character such as happened in 1798 and 1800.

I am taking much more time, Mr. Chairman, than I intended.

The CHAIRMAN. You will have to close this pretty quickly, because the House is now in session.

Mr. RALSTON. If I can have about five minutes I will finish what I have particularly in mind.

The Department of Justice, in my opinion, creates the very conditions which are, to a degree, in existence, and creates attacks upon the Government by its own conduct, and I wish the matter could be gone into thoroughly. The liberties of the people in the District of Columbia have been made subject to the whims and caprices and the ignorance of the secret-service officers. There have been not one, but many cases here in the District of violation of the constitutional requirement by the representatives of the Attorney General's office, who, without warrant, without justification, have gone upon the private premises of orderly, respectable citizens, have ransacked all of their papers, have, without warrant, taken them to jail, have kept them in the police station for a week, and then, have been compelled to discharge them because there was no possible offense that they had committed. Now, that is a matter of—

Mr. STEELE. Did they have a warrant of some kind?

Mr. RALSTON. No warrant; no search warrant and no warrant of arrest. They have been simply taken by the agents of the Department of Justice and have been shoved into the police stations and kept there for a week or perhaps longer in some cases. They have then been discharged, sometimes by habeas corpus and sometimes by the voluntary action of the department itself, or its agents; all this has been done right here. In one instance—I speak of it as a matter of knowledge, as I happened to be the attorney for the man at the time—a member of the waiters' union was at his work in the Arlington Hotel, on the roof garden, and an agent of the Department of Justice came up and grabbed him by the collar and said, "You damned anarchist, come along," and he was taken and put into the police station and kept there a week. When the week was nearly up the waiters' union came to me and said to me that Mr. Koerner had been arrested and had been in the station house for nearly a week without a warrant. I immediately took out a writ of habeas corpus and he was ordered produced into court. The court said to Inspector Grant, "What are you holding this man for?" Inspector Grant said, "I do not know; the agents of the Department of Justice have asked me to hold him." The court turned to Mr. Laskey and said, "Mr. Laskey, do you know of any reason why this man should not be discharged?" Mr. Laskey said he did not know of any and that he should be.

Mr. SUMNERS. But it was not the law that was responsible for that; it is the administration of the law. Mr. Palmer will not be the Attorney General always.

Mr. HUSTED. You can have an arbitrary abuse of power under any law that may be enacted.

Mr. RALSTON. But the point is the danger of putting additional power into the hands of people who are abusing it now.

Mr. YATES. I did not hear your testimony before the Rules Committee, nor did I hear your opening to-day. You represent the American Federation of Labor?

Mr. RALSTON. Yes, sir.

Mr. YATES. Are you speaking by their authority here now?

Mr. RALSTON. Yes, sir.

Mr. YATES. They have specifically authorized you to state their attitude in this matter?

Mr. RALSTON. Mr. Gompers requested me specifically to appear.

Mr. YATES. Is that the attitude, that the Federation of Labor is opposed to all of these bills, the Davey bill or the Graham bill?

Mr. RALSTON. I can not say that without having examined all the bills.

Mr. YATES. Do you say there is adequate, sufficient legislation now upon the statute books?

Mr. RALSTON. Yes, sir.

Mr. YATES. You are opposed, absolutely, to any of these measures?

Mr. RALSTON. I am opposed, absolutely, to any of the measures of which we have knowledge.

Mr. HUSTED. Do you happen to be familiar with the New York statute against anarchy?

Mr. RALSTON. No, sir.

Mr. HUSTED. The last bill I introduced contains most of the provisions of the New York statute. As I understand your testimony, and as I understood the statement of the American Federation of Labor, they had no objection to the provisions of the New York statute.

Mr. RALSTON. We have gone over one of the bills introduced, Mr. Husted, but very hastily, and whether that is the later one or the earlier one, I do not know.

Mr. SUMNERS. The attorney general of New York said that organized labor in New York had rendered him very great support in the prosecution of these cases.

Mr. RALSTON. I unfortunately did not hear his speech.

Mr. SUMNERS. He stated that the attitude and disposition of organized labor, in ridding society of these people who were dangerous agitators had done very much to swing public opinion toward an attitude of approval of what organized labor was doing. I think I have quoted the substance of his statement.

Mr. RALSTON. I could not say anything about that without greater knowledge of the specific facts involved.

Mr. YATES. I think it is of the utmost consequence that the whole country know the attitude of the American Federation of Labor toward this class of legislation, and I will tell you why. Somewhere about 1885 or 1886 they had in Chicago, in the State of Illinois, what has been called the Haymarket massacre. You, of course, remember that. Men were indicted in the State of Illinois under the conspiracy law, because they advocated, in speeches and editorials, and in various publications, and in open meetings, force and violence. One day a meeting was held and bombs were exploded, and some 150 policemen were killed or injured. Five men were hanged, and on the day their attorneys appeared before Gov. Oglesby, who was then governor, I happened to be present. Mr. Gompers appeared there and said in substance that it would set back the cause of organized labor if those men were punished. Gov. Oglesby asked in substance whether the American Federation of Labor was in favor of the use of dynamite, etc. Mr. Gompers said certainly not, and Gov. Oglesby said, "that is what these people are in favor of." In my opinion, that statement by Mr. Gompers did infinite harm to the cause of organized labor in this country. A great many people thought that because Mr. Gompers appeared there and put in an appearance for

these men, that organized labor was in favor of the use of dynamite and force and violence. That is the reason I said I believed it was of immense importance to have that statement of the position of organized labor brought to the attention of the people.

Mr. RALSTON. I do not think that it is necessary for me in any degree to defend the American Federation of Labor. It has stood, in every respect that I know of, for order. It does now, and it seems needless to say that it has no sympathy with anarchy. It has no communistic aims; it is not socialistic.

Mr. YATES. I have certainly not insinuated that they do, and I heard Frank Farrington address 10,000 men in my State and say to those men that those who searched for liberty should not go with a torch in their hand.

Mr. RALSTON. It finds its expression in the ballot box, and the initiative and referendum, and in the ways open to us for appealing to public sentiment in accordance with well established and well known American principles.

Mr. BOIES. Are there not some men in organized labor that seek to take the place of Samuel Gompers, who would create disturbance?

Mr. RALSTON. Undoubtedly there are men creating disturbances who are ambitious to fill his place. He is opposed by some men who would like to depose him in the American Federation of Labor. I can conceive it a great public calamity if Mr. Gompers were succeeded by some men that perhaps any of us could name, but at the present time he is in command. He is a conservative and devoted American citizen, and he sees the strongest possible danger in the legislation which has been brought before this committee for its consideration.

Mr. SUMNERS. Your attitude is not one of defense of the man who throws a bomb, but you are apprehensive that this legislation will add to the number of people who will do that?

Mr. RALSTON. I think it will have that effect. I think repression means secrecy, and I think that secrecy means mischief. I think that when men come out and say foolish things their foolishness is dissipated into thin air, but if you enact this law, they will gather with kindred spirits in hidden cellars, and hatch dark plots there, and concoct mischief. Give them the open air and you need fear nothing.

Mr. CURRIE. Then the position you define of the American Federation of Labor is that it opposes the enactment of any Federal statute which seeks to punish the advocacy of force and violence for the overthrow of the Government of the United States?

Mr. RALSTON. I hope I have made myself clear, that the Federation of Labor neither directly nor indirectly, nor in any way advocates nor condones the exercise of force and violence to overcome the Government.

Mr. CURRIE. But you do not answer my question.

Mr. RALSTON. You are up against a practical difficulty. You can not pass that law without passing a law which is subject to misinterpretation and misapplication and which will ultimately destroy practically all free speech, which is much more important than suppressing the casual fulminations of some individuals.

Mr. HUSTED. I have asked you a number of questions, but I think this is the last. I have a profound respect for the power of propaganda, especially newspaper propaganda. It has been brought to the attention of this committee that there are large numbers of revolutionary papers being circulated in great numbers throughout this country which advocate the destruction of the Government by violent means, or advocate changes in our form of Government by violent means, and I can not but feel that to permit the circulation of these papers is going to do a great deal of harm, and I can not but feel that it is the duty of Congress to suppress that kind of propaganda, because I think it is bound to operate upon weak minds to do a great evil. Now, I ask you if you do not agree with me in that belief? I do not refer to the expression of political opinions, however radical that expression may be. I do not refer to magazines that advocate the speedy reform of the Government. I mean only those magazines that advocate the use of force and violence, or rebellion to overthrow the Constitution.

Mr. RALSTON. I want to say that I agree with Mr. Husted in a very large measure as to the effect of propaganda. I have read to this committee the headlines from the New York Times. It is just that propaganda that has brought about this hearing to-day, and so I believe I must say that propaganda is important, because I see that it is in the panic that has been created in the public mind over nothing.

Now, there is propaganda which exhausts itself, which leads to nothing. Unless there is a real substantial—if you are pleased to use the word moral—idea back of it, I do not think it amounts to anything as a rule in the long run. This particular propaganda concerning the arrest of the reds and bogus conspiracies has exhausted itself and is tumbling to pieces, as it ought to. The propaganda of the destruction of the Government has not back of it fidelity; it is contrary to our American form of Government and our ideals. Now, why kill a thing that is bound to die of itself, with the possibility of killing good? That is the way it impresses me.

Mr. HUSTED. A good many of these magazines advocate the overthrow of the American Federation of Labor.

Mr. RALSTON. I am aware of that fact. The American Federation of Labor, as it appears here, is not concerned whether they attack the Federation of Labor or whether they support the Federation of Labor.

I have a short statement dealing with some of the legal propositions that I wish to submit to the committee.

The CHAIRMAN. Very well.

Mr. RALSTON. The Attorney General insists that sections 4 and 6 of the Federal Penal Code are inadequate to punish the advocacy of the overthrow of the Government or the resistance to its laws by force or violence. In support of his position he relies upon the unreported decision of District Judge Hazel, in the case of *United States v. El Ariete Society*. The text of section 6 is as follows:

If two or more persons, in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder,

or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than \$5,000 or imprisoned not more than six years, or both.

Three members of the El Ariete Society were indicted under this section for having conspired to overthrow the Government by force. The overt act alleged consisted of the publication of a manifesto said to advocate the overthrow of the Government by force and violence. At the close of the evidence and after both sides had rested a motion to dismiss the indictment was granted, and upon the granting of this motion is based the Attorney General's opinion that section 6 is inapplicable to cases of the character in question. An examination of the court's opinion, however, discloses the fact that the decision is not authority for any such conclusion of law. The opinion in full is printed at pages 19-22 of the letter submitted by the Attorney General in response to a Senate resolution, dated October 17, 1919, calling for a report on the activities of the Department of Justice against seditious persons. The court, after summing up the contents of the manifesto, discloses his opinion that it did not advocate the overthrow of the Government by violence, in the following language, at page 21:

But there is nothing contained in it that advocates the destruction of society by the use of violence, and it is open to the construction that it was designed to be sent out for the purpose of bringing about a change in the Government by propaganda—by written documents.

Moreover, at page 22, it appears that the court based his decision upon the further ground that the prosecution had failed to prove that there was any conspiracy at all between the defendants. Upon this point the court said:

Conspiracy is a combination by two or more persons to do some unlawful act, either by lawful or unlawful means, and I think the evidence is entirely insufficient to show that there was a concert of action between the alleged conspirators.

It is not shown that the defendants announced any of these anarchistic statements set forth in the manifesto. It was not shown that any of them read it or were aware of its contents before their arrest; it was not shown that they had predilections toward such a subject. It was not shown that there was any incitement by them or others to join them, or that they affiliated with persons having such views. They were not shown to have any direct or substantial connection with the printing of the manifesto, or with causing it to be brought to the house of this man Rodriguez; and I think, in order to establish the claim of conspiracy under this statute, assuming that it applies, it was necessary for the Government to go further than it did, and, gentlemen of the jury, in my opinion there is nothing to be submitted to you. These defendants were indicted under a statute which does not embrace this particular offense.

Thus it appears that the case in question does not decide the proposition that section 6 is inapplicable to the advocacy of the overthrow of the Government by force or violence, because, in the opinion of the court, the matter in question did not advocate force or violence, and because no conspiracy at all was proven.

Section 6, moreover, has recently been construed by the circuit court of appeals in the State of Washington, in the case of *Wells v. United States* (257 Fed., 605). In that case the defendant and three others were indicted and convicted under section 6 for having conspired by force to prevent, hinder, or delay the execution of

certain Federal statutes—the declaration of war against Germany and others. The evidence was to the effect that prior to the passage of the selective-service act the defendants had collaborated in the preparation and distribution of a certain anticonscription circular urging resistance to conscription. The court held that since it appeared from the circular that the use of force was contemplated by the defendants in resisting conscription the conviction must be affirmed. At page 614, the court said:

We think, therefore, that the evidence was sufficient upon which to submit the case to the jury. It was not necessary to show that force was actually employed, but only that there was a conspiracy entered into that contemplated the employment of force as a means to the accomplishment of a common purpose to oppose the execution of a law of the United States or the authority of the Government to prosecute the war.

From these two decisions it is apparent that the law is that under section 6 of the Federal Penal Code a conspiracy to resist the laws or authority of the United States is a criminal offense where it can be shown that the use of force was contemplated, but that such a conspiracy will not be punished unless the Government can prove that the element of violence which the statute makes essential is actually present. It is, of course, obvious that the same reasoning applies to a conspiracy looking to the forcible overthrow of the Government.

Accordingly, it is urged that the Attorney General's position is wholly untenable.

It is, of course, true, as the Attorney General suggests, that under section 6 it is impossible to punish the individual who urges violence as a means of effecting governmental change unless conspiracy can be shown. Section 4 of the Federal Penal Code, however, provides as follows:

Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be imprisoned not more than 10 years, or fined not more than \$10,000, or both, and shall, moreover, be incapable of holding any office under the United States. (Act of Mar. 4, 1909, ch. 321, sec. 4, 35 Stat., 1088.)

There is no reported decision construing this section since the Civil War. This section has been before the courts but once since that time. In *re Grand Jury* (62 Fed., 832; Southern District of California, 1894), a strike was in progress upon some of the lines of the Southern Pacific Railway Co. Obstruction of the United States mails was involved. A Federal grand jury was sitting to investigate whether any violation of the Federal statutes had taken place. District Judge Rose, at page 837, gave the following instructions to the jury:

Gentlemen of the grand jury: I especially call your attention this morning to the report of certain acts and declarations of a Dr. Rawlin, at a public meeting reported to have been at Hazard's Pavilion, in this city, last night, and in connection therewith I instruct you that it is declared in the statutes of the United States that every person who incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States, or the laws thereof, or gives aid or comfort thereto, shall be punished by imprisonment not more than 10 years, or by a fine of not more than \$10,000, or by both of such punishments, etc.

It is, of course, not suggested that the learned judge's instruction constitutes an authority binding upon the courts, but it is clear from the language which he used that he was of opinion that if a strike leader in a speech used language amounting to incitement to an insurrection, the section was sufficiently broad to be used to punish him. It is also clear that in the strike in question the court could not have contemplated the possibility of open insurrection or rebellion, in the popular sense of these words, but that what he must have had in mind was the forcible resistance to the laws and authority of the United States.

In conclusion it is urged :

1. That the decided cases make it clear that section 6 of the Federal penal code adequately covers any cases of conspiracy against the Government or the laws, where the use of force or violence is contemplated; and

2. That the only existing indication of judicial opinion as to the scope of section 4 is that that section precisely covers the class of acts in question on the part of individuals when the element of conspiracy is absent.

I want to thank the committee for its attention.

STATEMENT OF MR. SAMUEL GOMPERS, PRESIDENT OF THE AMERICAN FEDERATION OF LABOR.

Mr. GOMPERS. What advantage to our country will there be in having such a bill as that presented by Senator Sterling or those presented by Representatives Graham and Davey? Do they contribute to the safety of our Republic or our institutions? Are they necessary? Will they bring about a greater spirit of unity and solidarity and patriotism among the people of the United States? Will they help to perpetuate the institutions of freedom as they have lived since the establishment of our Republic? Or will they work to the very opposite of those very desirable results?

Has history, has experience no value to us? Is this character of legislation, or proclamation, or edict in other countries to have no influence upon our judgment and our course? Is such legislation calculated to tranquilize the mind and the activities of the people of the United States? Will it contribute to the spirit of progress, of evolution, of an effort to make this country of ours even a better country than that which it is now, though it is the best in all the world? No one will claim perfection for it. If perfection had been already reached, or has been reached, progress is impossible. Congress would be an unnecessary adjunct to the affairs of our Government. The fact that our Congress sits in session regularly, and sometimes specially, is a recognition of the fact that we are not a perfect institution, and that it requires the representatives of the people of the United States to meet for the purpose of devising ways and means for further progress and better conditions of life and work and safety, and that they may be promulgated and enacted into law.

I have no hesitancy in discussing the language of the Sterling-Graham bill; but if I may, I would prefer to speak of some of the features and of the provisions of the bill, without going into it line

for line, or section by section, in discussing the language employed. The intent and purpose, as I understand it, I prefer to present.

In addition, and perhaps the most potent feature of the purpose of the bill, whatever language is employed in its framing, is to prevent cessations of work. It might be generally termed a bill to enforce compulsory, involuntary servitude, to tie men to their tasks, to labor; for there are very few, if any, of the provisions of the bill which would not have this most potent application to any effort made by workers, wage earners, working people, to endeavor unitedly to improve their conditions, by, if necessary, a cessation of work. Since the foundation of our Government there has been constant movement toward freedom, and that the workers—the wageworker, if you please—might have a freer opportunity to emerge from the condition of servitude into that of freedom.

The only difference between a slave and a free man is that the slave must work at the whim or fancy of the owner or the master. The difference between a slave and a free man is that a free man may quit work whenever he determines for himself to do so; that no one can say to him that he must work except as, under the provisions of the Constitution of the United States, he may be convicted of crime before a jury of his peers, and then be compelled to go into involuntary servitude.

By the adoption of the thirteenth amendment to the Constitution, involuntary servitude was abolished. For some time there has been a concept developed among some people that the right as declared by the Constitution of the United States must be circumscribed and limited, or taken away, by some phraseology, by some law. I am referring to the provisions of the bill prohibiting persons from agreeing to associate or organize—it is section 6 of the bill which is as follows:

SEC. 6. That every book, magazine, newspaper, document, handbill, poster, or written, pictorial, or printed matter, memorandum, sign, symbol, or communication of any form wherein or whereby the overthrow of the Government of the United States by force or violence, or resistance to or rebellion against the authority of the Government or the overthrow, change, or defeat of the Constitution of the United States, or the laws or authority thereof by force or violence, is advocated, advised, or incited, or wherein or whereby the use of force or violence or physical injury to or the seizure or destruction of persons or property is advocated, advised, defended, or incited as a means toward the accomplishment of industrial, economic, social, or political change.

You will observe, Mr. Chairman, that the language used is “by force.” There are various kinds of force, and one of them is moral force—moral force for the attainment of political or industrial or economic changes.

The workers of the United States, whether organized or unorganized, are working for economic or industrial changes. Every effort made by the workers, organized or unorganized, for the improvement of their material and moral and social condition is one of moral force.

In this section the language employed is “force,” and that is capable of construction in any fashion that the courts may interpret. Though I speak in the name and have the authority of the organized workers of America, I presume to speak in the name also of the unorganized. They have no voice of a representative character; and

there is not anything to which the organized workers aspire but will bring its reflex benefit to the unorganized.

Unless we encourage the effort of the workers for improvement in the manner and method approved by the conscience of the American people, they will find that expression or manifestation in another form. Strikes, as cessations of labor have been called, are nothing more nor less than an aspiration of the working people for a better life. And, in passing, it may not be amiss to say that you will find strikes, or cessations of labor collectively, among workers only in the highest civilized countries. You will find no strikes in China; they are growing in number in Japan. You will find none in India. In the most backward countries you will find fewer cessations of labor for the purpose of endeavoring to obtain a higher standard and a better standard of life. And in those countries where there are fewer strikes, almost no strikes at all, they are the most backward countries on the face of the globe.

And I say this, not to sound the pæans of strikes, for our movement has done more than any other factor or group in the whole country to prevent and avoid strikes.

And in addition, it is my judgment, after a lifelong study and experience, that this species of legislation is not going to prevent the things which it seeks to prevent—it will not prevent the doing of the things sought to be prevented. On the contrary, it will provoke them. Quite apart from the question of the effort to tie the men of labor to their jobs there are other considerations why this bill should not become law. This would be accomplished by the provisions making assemblage unlawful—assemblages of the character to which I have referred—by the associations and affiliations; by the limitation of free speech, and a free press—free discussion; by providing ways and means by which every activity can be interpreted to come under the provisions of this bill.

Give the courts jurisdiction and they will grasp it and take advantage of it and interpret it. I think that the interpretations placed upon the laws intending to apply to certain activities of groups of people, and the interpretations to apply to workers particularly—as, for instance, the Sherman antitrust law; as, for instance, the issuance of injunctions in labor disputes, injunctions which are intended to apply to property and property rights, and in no way to apply to personal relations—these species of injunctions have been interpreted by the courts to apply to the normal activities, involving no property or property right, but involving personal relations. The issuance of the latest injunction of which I have any knowledge, was that by the Department of Justice, in which was not only contained prohibition of acts—restrain of acts in themselves innocent and lawful, but containing mandatory features compelling the performance of things and acts which the person had a perfect right to refrain from doing. My contention is that the word “force” as employed in section 6 of the bill as written, would prevent not only the application of physical force, but also all exercise of force in bringing about industrial and economic changes. And there is now upon the statutes a provision punishing by large fines and sentences of imprisonment the doing of overt acts, or using, or attempting to use, physical violence.

It is one of the provisions of the bill that any one wearing a badge, or button, or device that would indicate a purpose to overthrow the Government, shall be punishable. But take the bill, not section by section alone, but the intent and purpose running all through, and there is one purpose—restriction, limitation, making things now lawful unlawful. The language of the bill prohibits doing things by “force.” Moral force is the thing which thinking, earnest, patriotic Americans seek to use for the improvement of the conditions of the masses of the people and for the benefit even of our system of government.

Under the provisions of this bill, if it were enacted into law, if an organization, or if a group of men undertakes to say, “We will endeavor to undo the resolution for the amendment to the Constitution granting woman suffrage,” that would be working a change in the Constitution; if any group of men undertook to work for the repeal of the prohibition amendment to the Constitution, it would be unlawful.

If, for instance, we would come to the conclusion that the election of United States Senators by the people was not a progressive step, and if a group of people were to undertake to inaugurate a movement for the repeal of that constitutional amendment, they would be working for the changing of the Constitution. The bill says “force or violence.” Moral force is not excluded. The whole bill, the whole thing, the whole scheme, is wrong. I am simply calling attention to a few of the features.

Such a law would apply to many citizens of the United States, but especially to the workers. Many of the workers are organized, probably about 5,000,000 of them now, with about 25,000,000 in their families; but the condition of the workers and the position of the workers are that though they may be unorganized to-day, they may be organized to-morrow—overnight; some condition in the establishment may occur, some oppression, some grievance may arise; or there may be a spontaneous movement for the purpose of securing better conditions. It is these movements of the workers for better conditions and a better life that are primarily involved.

The movement of the workers is mass movement. It can not be held behind closed doors. They can not go into executive session. What they think and say is for the world to know.

If there were a movement under foot to change the Constitution so that there would be what some people think not only a responsible but a more immediately responsive government to the expressed will of the people, there are some who fancy that with such a change it would be more democratic; but, be that as it may, to advocate that, to advocate a change in the form of the Government, or if there were any effort made for the election of the President of the United States, instead of through the Electoral College, by a direct vote of the people and a majority vote of the people, that would be a change in the form of the Government of the United States.

Section 5 prohibits the advocacy of anything of that kind. It is as follows:

SEC. 5. That no person shall display or exhibit at any meeting, or parade, or in any other place, any red flag or banner as a symbol of anarchy, or of any of the purposes forbidden in this act, and the display or exhibition of such a

flag or banner in any meeting or parade shall be prima facie evidence that it is so displayed and exhibited as such symbol, and no person shall display or exhibit at any meeting, gathering, or parade, or in any other public place, any flag, banner, emblem, picture, motto, or device which tends to incite or indicates a purpose to overthrow, by violence or by physical injury to person or property, the Government of the United States, or all Government, or to overthrow, change, or defeat the Constitution of the United States and the laws and authority thereof.

You will observe that to advocate a change in the Constitution, not by violence, not even by moral force, but to advocate a change in the Constitution would be sedition. The last part says:

To overthrow, change, or defeat the Constitution of the United States and the laws and authority thereof.

That last clause of the section omits the provisions contained in the earlier part of the section; it omits the reference to violence or force, or even moral force; but merely the advocacy of a change in the Constitution is made punishable under the provisions of the bill. All of it is subject to interpretation and construction by the courts. And I have had experience with the interpretation by the courts of laws passed by Congress; I have had some experience of the avowed purposes of certain proposed bills. I have had some experience of assurances given of what the intent of those bills would be when enacted into law.

And there has not been any instance coming under my observation where those assurances and those understandings of the law-makers have been borne out by the interpretation of the courts. On the contrary, the very reverse has been the interpretation of the courts, and the courts' decision upon several of the measures which I have in mind. There is not an avenue in which a man or group of men and women might be active for the purpose of betterment which could not be construed to come under the provisions of this bill.

We have had some experience here in the United States with an antisedition law. In 1798, upon the occasion of the coming over here of Citizen Genet from France, who sought to win over the people of the United States to the cause of the French Revolution and to inject some bitterness of feeling between the United States and England, an antisedition law was passed by Congress; and after the passage of that law the party in control and responsible for that law was never heard of again except in history. And that antisedition law was repealed soon afterwards. It destroyed the Federalist Party.

Permit me to interject a word about the Davey bill, which was written by Attorney General Palmer. In that bill, too, there is a provision which makes it punishable if a change of the Government is advocated. Then again, it uses the term "force," without distinguishing as to whether it be physical force or moral force.

In addition, it refers to anyone who shall encourage "terrorism, or revenge, or hate." What kind of violence, what kind of terrorism, what kind of revenge, or what kind of injury was in the mind of the Attorney General when he framed the Davey bill?

However, resuming approximately where I left off, I want it clearly understood that neither the American Federation of Labor nor I, as its president, am in sympathy with that which has come

to be known as the "Red," or the "Reds," or "the red flag." We have done our level best, in season and out of season, to oppose every act and thought of it, or that which it symbolizes. I doubt whether there is any man among all our people who is so utterly despised by those who are known to be "red" as I am. No one has been quite so much vilified and slandered and misrepresented as I have been by those very people.

May I call your attention, gentlemen, to the fact that in Canada, for war purposes, there was an order in council adopted which was of a similar character as the bill now before Congress? The net result of it was the arrest of any man engaged in any kind of strike.

I would like to call attention to several cases, particularly one of R. B. Russell, with whom I have no sympathy at all other than the fact that he is a trained workman who sought redress, and did so in a mistaken manner. But as the order in council, or the antiseditious act of Canada, was invoked in labor cases almost exclusively, and it would not be amiss to call attention to the charge of the judge to the jury in the case of Russell as showing the concept of that order in council as to strikes. I might submit the charges of judges to a jury, or I might submit statements of judges in courts of equity, here in the United States, which go quite as far as Judge Metcalf went in the case to which I refer.

That was a case of supposed sedition—which was nothing more nor less than a strike; and neither physical force nor physical violence was even charged in the indictment. I submit the charge to the jury, Mr. Chairman, as reprinted in one of the local papers of Canada. It is as follows:

[From the Labor News, Hamilton, Ontario.]

JUDGE METCALF'S CHARGE TO THE JURY—DELIVERED ON TUESDAY, DECEMBER 23, AT THE "PEG" STRIKE TRIAL OF R. B. RUSSELL—OBJECT OF STRIKES MUST BE HONEST ENDEAVOR TO IMPROVE CONDITION BY LAWFUL MEANS.

From the headquarters of the Winnipeg defense committee, the Labor News has secured a verbatim copy of Judge Metcalf's charge to the jury in connection with the trial of "Bob" Russell, the "Peg" strike leader, who is now serving his sentence of two years' imprisonment in Stoney Mountain Penitentiary. For the accommodation of our readers we submit as follows:

"Gentlemen of the jury, after 23 days' sitting—almost day and night—after the filing of over 700 exhibits and the taking of an immense amount of evidence, I think you will believe me when I say I am almost physically unfit to perform the duty which devolves upon me this evening. I know that your duties have been arduous; and I know that, realizing the nature and importance of the case, you have a proper appreciation of your position and responsibilities. You have listened with great interest and attention to all the matters that have been laid before you.

"Now, we start first always in a criminal case with a presumption that is one of the blessings of the British constitution—a presumption not against Russell, but in his favor; and it is always the duty of the judge to tell the jury that the accused is innocent until proven guilty; that is to say, he is presumed to be innocent until the evidence of the Crown satisfies you that he is guilty. It would be almost impossible for you to come here without some recollection of what you have read in the newspapers during the months of May and June last. Now, gentlemen, I must ask you in all fairness to Russell to put out of your minds what you have heard secondhand and what you have seen and heard in this court room. Every judge must tell you that—it is his duty to do so.

"And, gentlemen of the jury, I am going to tell you that I know my duty—and I am not going to charge you in any way than in a court of law it is my

duty to do—that in regard to the reception and rejection of evidence and any matters about which you may have heard some discussion that would look as if I did not know my duty as urged on the part of others. I must tell you that in as far as God has given me capacity I have known and done my duty. I say it is my duty to instruct you also as to matters of law, and in such matters you ought to follow my directions. I may also speak as to facts—that is a privilege, and sometimes a duty; but if I do so, it will be only for the purpose of assisting you as to the application of law which you might not otherwise understand, and not for the purpose at all of prejudicing you either in favor of or against the accused. In all matters of fact you are the sole judges, and where you differ from a judge on a question of fact in your own mind it is your duty to follow the dictates of your own conscience and not that of the judge.

“Now, counsel having seen fit to charge you upon matters of law, and that being the case I must deal with the matters of law more fully than I otherwise would have done, because matters of law have been stated here with which I do not agree, and on which I will instruct you fully, and you ought to follow my instructions because that is what I am here for to see that only proper evidence is admitted, and to tell you the law independently of the Crown or of the accused, and you should take the law from me. In dealing with the law, Mr. Cassidy has dealt with that case of 16 Cox, 355 John Burns. Now, Mr. Cassidy has dealt with that case more fully perhaps because it may have been assumed that I might not do my duty in charging you with the law, because in so far as that case is concerned I have no quarrel with the judgment of Mr. Justice Cave, but that judgment was based upon the facts of that particular case, and the only way in which that case differs from any other cases is that it goes a little further in favor of John Burns than any other case along the same lines.

“Gentlemen of the jury, for heaven's sake, if it has now come to the matter of intent or innocence of intent, and if the parties accused here did not intend any real mischief—did not desire to bring about the things that were subsequently brought about—then I would advise you to bring in a verdict of not guilty. In the John Burns case, however, it had to be remembered that the Crown did not suggest that the parties desired to have brought about the things that actually were brought about. The Crown would not urge that John Burns desired to bring about the acts that subsequently occurred.

“Now, there are two main charges running through the indictment. There are several counts—the earlier counts relate to sedition. The other distinct charge is that of common nuisance.”

His lordship here went into the indictment count by count, and defined sedition. Proceeding, he said:

“It is difficult to put the dividing line between what is innocent and what is criminal in the matter of words written or spoken. The charge applies to overt acts which are not treason and still not innocent. Words spoken at the heat of the moment or during normal times may be overlooked, which if spoken in troublous times are liable to incite disturbance. The pointing out of errors in the administration of the Government has always been permitted, but such criticism must be without malicious intent. A seditious intention is an intent to incite people to take the powers of Government into their own hands, or to cause a tumultuous riot. The speaker must be held responsible for the natural consequences of his seditious statements. Now, I think that those passages of law which I have cited to you give a very fair statement of the law, and if you find that the intention of the accused was bona fide, that he had no harmful motive, then, gentlemen, your verdict should be not guilty; we do not send a man to the penitentiary unless he is guilty of a charge. Now, if the means resorted to are unlawful, there may be conspiracy even although the ultimate purpose is lawful. Conspiracy implies a combination, an agreement of the parties is necessary. In regard to evidence in conspiracy, there must be a common design, the parties must have followed a line of conduct arising, in the estimation of the jury, from a common intention. You can tell whether a number of persons are pursuing a common intention if you find their conduct on different occasions all consistent with that special object.”

His lordship here cites passages defining conspiracy:

“Sir Henry Hawkins, probably the ablest judge on such matters in recent times in England, says, ‘I will point out to you what each of the parties has done, for the purpose of allowing you to form your own judgment as to whether or not they were connected with one common design, then such member of the conspiracy is responsible for such acts of the other, as are con-

nected with the carrying out of the common design. First, you must find the common design. Then, were all these parties doing such acts at different times and at different places, or were they doing some of them altogether, and were these acts consistent with the common design? If so, the action of one whom you may connect up is evidence against the other.

"Now, it is necessary for me to take some facts to elicit the law of conspiracy. As far as possible I am going to keep away from any facts that are disputed, and give you only such facts as appear either from the letters of Russell or to Russell, or from publications such as the Strike Bulletin, the Labor News, the Soviet Journal, or whatever it is named, or those other papers which are published in the city of Winnipeg. Now, as to Russell, there is evidence that he assisted to try and get control of the labor council. You know it is hard to forget the letters of Russell—at least it is hard for me to forget them. They contain such nice, short, crisp sentences such as "Knock hell out of the Labor Party." Those things make milestones in my mind. You remember his own letters. Now, Russell was a member of the executive committee of the trades and labor council—he knew what he was talking about. The trades and labor council was responsible for the publication of the Western Labor News. Russell was connected with the Socialist Party and was responsible for those socialist papers that were published here. The society, it is admitted, carried on its operations by propaganda. You have seen a lot of this propaganda. I have seen too much of it."

"Russell was at the Calgary convention. His letter shows the desire that this meeting should be packed with 'Reds.' At that convention he was appointed chairman of the executive. The objects of the committee were to get out propaganda, and see to the carrying on of the strike. Well, there is evidence that they got out propaganda—you have seen that propaganda from day to day and from night to night. Russell was the business agent of the Metal Trades Council, and it was in connection with the trouble that existed there that Russell spoke about the holding of a general sympathetic strike, and the ballot was taken. You heard what he said about it. He was there when the vote was decided on. He became a member of the general strike committee—the central strike committee; and you heard about his activities in connection with the strike. You have also heard about his activities in connection with the Socialist Party of Canada, the object of which is to distribute propaganda. Now, you remember that there were others who were interested in this propaganda—Armstrong, Johns, and Pritchard—who were also members of the Socialist Party of Canada, and in that sense at least you may reasonably infer that they were interested in the propaganda that was issued by Russell, issued personally by Russell or by others who had the interest of the society at heart—others who had the same, what shall I call them, ideals—perhaps I had better, as Russell does himself, call them 'ideals.' As to the Trades and Labor Council, Russell's activities were connected with the others who were jointly accused in the indictment—Ivens, Armstrong, Bray, Heaps, and Queens—I don't know that I can very well leave Ivens and Pritchard out of this propaganda. Ivens was editor of the Western Labor News—perhaps you may think that was sufficient punishment, and possibly you may find sufficient to show that this propaganda was seditious.

"Gentlemen, speaking to you as a judge, if I were on a jury, there is much in that matter that I would have no difficulty in concluding was seditious.

"Ivens was editor of the Strike Bulletin during the strike and assisted Russell and others in carrying on the Winnipeg strike. He was appointed by the strike committee, and the Strike Bulletin shows him to have been one of the most active.

"Now, before I leave Ivens, I really have been unable to understand two things, from the viewpoint of the Socialist Party—I think I should say these members of the Socialist Party—this particular class of Socialist—Russell seemed to think that 'capital' meant only that money which was invested in industrial concerns, when he was asked the question in the box. Now, it is for you to consider and ascertain in your minds, if you can, whether that is what this class of Socialist means, whether that class of workers designated 'plugs' will not be likely to grasp a lower order of socialism than that of their teachers, and come to think that capital means the possession of these richer than themselves; therefore, one must under the circumstances, be most careful in using the word capital, and abusing capital.

"Now, let us see what impression it has had upon the mind of the preacher Ivens—I refer to the report of that speech made one Sunday evening. Ivens

had got clear away from the idea of limiting capital to such as was invested in industrial pursuits. He said 'The capitalist owns the land upon which the wheat is grown.' Was he referring to the land that my father and your father homesteaded? That is the 'class' by which the wheat is chiefly grown in this country. See how the man was carried away by the mass of Socialist stuff when he gets so far from the real facts. Was Russell himself so carried away by reading these books? They are prepared on conditions that exist in Russia—Russell himself seems to have begun to believe it, and says most of the land in Canada is owned by capital.

"Now, as far as Armstrong is concerned—he is the 'soap-box' variety of society. He was a member of the Trades and Labor Council, and one of the 'reds' along with Russell, and along with others had gained control of that body. The 'reds' themselves admitted they had control. He spoke at the Walker Theater—at the Majestic Theater—there is evidence that he, along with Russell, was responsible for propaganda that was distributed at the Majestic Theater and the rest of the places that was distributed from time to time under the direction of Russell, and Queen, propagandist, too, and Pritchard, too. Queen was chairman of the Walker Theater meeting. He was advertising manager of the Western Labor News. He addressed a meeting during the strike, and was active in the strike.

"As to Pritchard, a letter from Stephenson, the Dominion secretary, states that Pritchard was one of the most active propagandists at the coast. He was one of the speakers whom Russell asked to be sent here during the strike. He was active. He was at the British Columbia Federation of Labor, and attended the Calgary convention. The exhibits show that Russell was in correspondence with Pritchard. Now, who was Pritchard? He was the man who received the highest number of votes for the committee at the Calgary convention. Subsequently he was active with others in issuing propaganda for the one big union. Now, I have nothing to say against the one big union. I don't know it yet—but if the one big union assisted in the state of affairs here, and if that was one of the societies with which Pritchard was associated—and Russell and the other accused—if you so find—then you may consider that seditious.

"Johns was a member of the Socialist Party of Canada—spoke at the Walker and Majestic Theater meetings where Socialist propaganda was distributed. He was one of the 'Reds' with Russell. I mean he was a 'Red' like Russell. The Reds had control of the Trades and Labor Council. He and Russell were the official delegates from the Trades and Labor Council at the Calgary convention. He received the second highest number of votes, that is to say, the highest next to Pritchard on the central committee. He was appointed at the Calgary convention. Johns at the opening of the Winnipeg strike was in the East, and wrote a letter to Russell showing his activities along the same line. Distributed propaganda of unrest. Was also a member of the general strike committee throughout the Winnipeg strike, and was one of the active workers.

"Heaps was a member of the strike committee, and also a member of the relief committee. He spoke and voted at the city council in favor of keeping the pressure low, and generally in favor of the actions of the strike leaders. You know Heaps has not been in the box; but Robinson was in the box.

"Like rancid butter which leaves a bad taste in the mouth is the evidence of Robinson. The secretary of the strike committee, he tries to disclaim responsibility for everything. 'We were not responsible.' Well, gentlemen of the jury, that is for you to decide. Robinson swears that he did his duty to the citizens at large. He was there to represent the citizens at large. Well, somehow that does not sound very well, because I believe he did his duty by the strike committee. I believe that because he said he did. Now, a man can not serve two masters, and he can not do it well, and if so, which did Robinson serve? This question will be material to you in the consideration of this matter.

"Bray was not serving two masters—there was no doubt about that. He was a member of the strike committee, and became very active. He had returned soldiers who were strike sympathizers, marched to Kennedy Street, and demanded that the strike should be settled in accordance with the demands of the strikers, and you heard the evidence of Bray. The Strike Bulletin had several articles concerning Mr. Bray and what Mr. Bray did; but to be fair to Bray he seemed to have no connection with the matters charged except such connection as you may infer from the Winnipeg strike itself.

"Now, there were others whose actions you may look at, because of the correspondence and telegrams, and the relations which existed between these and Russell; that is to say, Stephenson, of Edmonton; Joe Knight, Maguire, and Kavanagh, of Vancouver, and for the purpose of showing the extent of propaganda and the class of the propaganda against capital. Now the Crown contends that Stephenson, like Pritchard and Kavanagh, were coconspirators with Russell, that they were members of the Socialist Party of Canada, and connected with the propaganda and arrangements, and thereby became coconspirators with a seditious purpose. It is for you to say whether the evidence satisfies you that these persons were coconspirators with Russell; if you are convinced that any one of these persons was not a coconspirator, then his actions should not be considered by the jury as connected with Russell.

"You heard Russell's version of a sympathetic strike. Russell's idea of it was that when a certain organization realized it was beaten, it called to its assistance other organizations to bring force to bear on the original dispute. Force—force, that's one thing I liked about Russell; he was candid. Anyway, Russell told us what it was. It was force. Winnipeg, once he got away from his natural hesitancy, came right out with it, said he would bring a general strike at a time when it would cause the most inconvenience to the public. Robinson took a long time to say it, but you could gather from his remarks what was the right time, from the strikers' standpoint, for calling a general strike.

"We must look to our own statutes for our own law. There is a case of conspiracy upon our own Dominion Statutes, a case with which I entirely agree. [Here cites authorities, including Reg. V. Gibson, as to inciting breaches of the peace, endangering life and property, intimidation, etc.]

"Now can a general sympathetic strike, the object of which is to tie up all industry; to make it so inconvenient for others that they will cause force to be brought to bear to finish the strike; to tie up deliveries of bread and milk; to tie up the wheels of industry and transportation from coast to coast; to lower the water pressure in a city like Winnipeg—which since the introduction of modern conveniences has no other way to carry on its life—how can such a strike be carried on successfully without a breach of all these matters of violence and intimidation, and how can you say, if you exercise your common sense, that those in charge of a strike like that did not intend that those things should happen? You heard about the Canada bread; was not that committing a breach of the peace? Are those things likely to cause breaches of the peace? The law provides penalties for breach of its provisions, and breach of its provisions is punishable by statute, which was made for the purpose of making a strike a last resort. Those who commit the matters dealt with by that statute are guilty of a breach of that statute, and those who aid, abet, assist, counsel, and procure are likewise guilty of an offense against that statute, and those who take part in a general sympathetic strike of that class can hardly hope to take the benefit of the clauses in the code which exempt an honest striker, honestly striking, in an honest strike, from punishment.

"Strikers must not congregate in large numbers, must not do violence, must not threaten, must not be members of an unlawful assembly, must not riot. The object of the strike must be an honest endeavor to improve their own conditions by lawful means; otherwise they will find themselves subject to the criminal law.

"Personal liberty is not a liberty of the body only; it is also the liberty of the mind and will. Intimidation which is effected by merely collecting in large numbers, saying nothing and passing on, may reasonably be expected to disturb the peace of mind of the ordinary man. It is not necessary to have large numbers to peacefully persuade, to walk around a place where people are employed, to boo, etc. Gentlemen of the jury, as much of terror may be inspired in this way as by two or three men armed with guns; in strikes you can excite the terror of starvation, of thirst, which is quite as effective as bodily violence. Your stomach may bring you quicker than a crack on the head sometimes. Sometimes it even has a disturbing effect upon some people's minds to have their emotions watched. A combination to prevent others from working is a very serious thing. Not to work in itself is lawful, so long as one keeps out of the poorhouse.

"Now, gentlemen of the jury, coming back to those meetings—as I said before, some of those resolutions are in no means unlawful in themselves and, in regard to the soviet form of government and with regard to Russell, we

should have no objections to what he thinks about that, so long as he does not intend to convey to others the desirability of instituting such a government in Canada. He may think what he likes about it in Russia—we don't care—but when he commences to constantly attack the system of this country and constantly put before the 'plugs' the desirability of the Russian system, then, exercising your common sense, you may reasonably infer that he is trying to introduce into this country that system. Do you like it? Would you resist it? Would it be likely to cause a breach of the peace? Well, if it would be liable to cause a breach of his majesty's peace among the public citizens, it would be seditious. That is for the jury.

"Judging from the literature, gentlemen of the jury, do you believe that that means action by the ballot? That is entirely for you to say. But you may also remember that there are other classes of political action than action by the ballot, and the material filed, and the literature itself, may suggest to you what is meant when speaking of political action.

"Collective bargaining—if collective bargaining means that thereby the workers of Canada may enforce upon the employer a recognition in the sense in which it has been used—of agencies for the purpose of making contracts for their men with the employers, and if such a condition of affairs would make it more easy for those who control or desire to control labor for unlawful purposes to tie up industry from coast to coast, to give as much inconvenience as possible to the general public—to make a strike "efficient" as has been defined here—and if that was the intention generally of urging a demand, that is, collective bargaining, so that revolution by a strike might be brought about more easily, it was seditious to make those demands in that way. It is for you to say, gentlemen, whether that was the desire. And in all these matters, generally, that come before you, you will, in common justice to the accused, give him the benefit of the doubt on any of those points.

"Now, time and conditions enter into the consideration of these matters. Ten years ago, in Canada, we would have laughed at seditious words—they would not have been likely to have created disturbances. I don't know that we would have laughed at all classes of seditious words, but we would have laughed at many words and acts that, under existing conditions, we now consider seditious. But when our nerves are at tension, when the country has been through the throes of trouble and many who are coming home from Europe are without a leg or an arm, and you find men who are described as being 75 per cent foreigners, being addressed by preachers whom, at least, we may say ought to know better; foreigners who are making wages greater than that man who has lost a leg or an arm during the past four years, and who perhaps are saying: 'Your constitution under which you fought is no good; your whole system is wrong; you don't know how to run your country; we are the ones who do; look at Russia—here we have made a nice little plot for you. Don't know how you feel about it, gentlemen.'

"Now, outside of sedition, there is the crime of nuisance. If the strike were brought about in such a way so as to endanger public health and safety, it becomes a nuisance. It never was the intention to limit strikers so that they could not carry on such things as were reasonable and necessary. But, gentlemen, is it reasonable or necessary to inconvenience the whole community, to lower the water pressure, to shut off the bread and milk so as to endanger the lives of infants and the sick? Surely you can not contend for a moment that such conditions were within the limits of exemptions from punishment. A strike on those lines may become a nuisance.

"I know something of the history of the law of labor. My father was a laboring carpenter, but his house was filled with books, and I recall some of the things that were mentioned by Mr. Bird, and I can recall worse. Children were born when the fathers working in the factory had no money and had no hope. They had to be cared for in the best way they could be cared for, which was pretty bad. As soon as, or perhaps sooner than, they could work, they had to work, and they had to continue to work; and when they got sick and the pay envelope was empty—if they had pay envelopes in those days, which I don't think they had—then God help the family. Where was the food, the necessary food, to come from? The conditions were awful, even until the middle of the last century, and somewhat later. The conditions were such as would horrify us to-day, and no condition seemed possible to those laboring people. From their birth penury, and from the time they commenced to work penury, and another generation grew up; and so it went on and on—no hope, no occupa-

tion for the unlettered man, no chance to rise, no chance for anything but to stay there working with his hands day after day, all the time. Now, those were the conditions in England, and it nearly brought about a serious revolution.

"It did bring about an incipient revolution about 1843 or 1844, in the matter of the Chartist troubles. Gentlemen of the jury, we never have those conditions in Canada. We may have conditions that are hard for labor, but we never have those conditions.

"The journeyman carpenter may go into the country. He may, himself, become reasonably well off. His children may have schooling that will be sufficient for their purposes, and enable them to take any position in the community. The people own this country. It is the people's country. The land could be had for the asking at the time when our labor legislation was brought into force. In Canada it was never intended to permit anyone or any body of men under the guise of labor to combine to do wrong to a community.

"Now, gentlemen, what do you think of allegiance to your country? What do you think of a man who won't fight for his country and his fireside, as did our forefathers at Quebec and Queenston Heights? For what did our forefathers fight when they drove the Americans that day from the ramparts of Quebec? Are sentiments of loyalty to be brought about by illegal strikes, by force exercised thereby, by unlawful conspiracies? Our constitution is splendid, too; conditions are not to be compared in any way with those existing in England at the time of the Chartist and other troubles; the poverty and other suffering were deplorable in the extreme; but we have no poverty in Canada at the present time in any way approaching those conditions. Perhaps we may conclude with those illustrious words of a fellow countryman of Mr. Russell's:

"Breathes there a man with soul so dead,
Who never to himself hath said,
This is my own, my native land."

"Now, gentleman of the jury, I must tell you that you will consider every count separately, in the same manner as though you were considering seven different indictments. Some of these counts may be found to be bad in law. I am going to allow a reserve case on matters of appeal for consideration before the court of appeal. I had hoped that the matter of the sufficiency of the counts would have been considered, but counsel for the defense decided otherwise—quite within his rights. You will please be careful to give your verdict on each count—guilty or not guilty. On each count you will find the accused guilty or not guilty. Or you may disagree. If a reasonable doubt exists, you should give the prisoner the benefit of the doubt. You occupy a high judicial position; you have a solemn judicial function to perform. If you find after due consideration of the case that the accused meant no harm to the country, you should find him not guilty. If you find him guilty, you may recommend him to mercy; and if you feel that you are justified in making such a recommendation, it will have due influence in this court.

"Gentlemen, you may retire and consider your verdict."

SATURDAY, DECEMBER 27, 1919.

Verdict returned was "Guilty." Sentence, two years to Stoney Mountain. We produce here below Bob Russell's address to the court, which was made when Judge Metcalf asked if he had anything to say:

"Your Lordship, I have very little to say. Throughout my trial I have listened almost religiously to the proceedings of this court, and I feel that the court has not grasped the real cause of my activities in the trade-union movement. I have been unduly honored in being named a 'leader' in a movement where there are no leaders, but only mouthpieces. I carried out my instructions from the rank and file in the movement as a paid servant to the best of my ability, and I feel that if the court had permitted me to demonstrate my real intent during the strike I could have convinced everyone that it was free from anything criminal. I am a married man with a family, and, therefore, can feel as a father. I do not understand the law, and still less the procedure of the court. I feel that if the court had grasped the true conception of the trades-union movement, in which there are no leaders, but only individuals acting for the rank and file, it would have been realized that I only fulfilled those duties. I do not think I can say any more. I leave it to the court as to what becomes of me this time."

That order in council in Canada providing against sedition was made during the war. Congress placed extraordinary powers in all the branches of the Government for war-time purposes. We are now entering upon peace times. This is supposed to be a peace-time piece of legislation.

One of the greatest difficulties with which we have had to contend is the construction placed by the courts upon the purposes of a strike. No matter what the real purposes are—whether they are for protesting against reduction in wages; deterioration in conditions; for a higher standard of living; for the removal of grievances; for a shorter work day—the courts have interpreted such movements as not having for their purpose the improvement of the condition of the men engaged in such movement, but having for their purpose to undermine and overthrow and destroy the Government. Should the courts be clothed with the further authority of such a law as is proposed here, no one knows where it will end.

I said something about the lessons of the experiences of other peoples. We know of the existence of the great Republic of Rome; we know of its progress in industry, in commerce, in art, and the sciences; and we know, too, that it went into decay. But there are very few who have given thought to the real causes that brought about the decay, the disintegration, the downfall, of the Roman Republic.

The beginning of the fall, or rather the beginning of the decay, of the Roman Republic was that the right of free assemblage was abrogated and denied. At that time it was not necessary for them to have any inhibition against free press, because there was no such things as a press.

But free speech, free assemblage, where the people were gathered; where public questions were discussed; where the officials of government were criticized and attacked, if you please—that was taken away, and there was no opportunity for public discussion among the people of the reforms and changes that they desired. They were alienated in their affections and their loyalty, and no wonder they became disintegrated and fell before a small horde of invaders and conquerors.

The Constitution of the United States, as its first amendment, contains the provision guaranteeing the right of free assemblage, of free speech, and a free press. That was the first amendment adopted to the Constitution. It had something for its purpose. It was not put there as a mere plaything, by a mere whim.

Russia, in its palmiest days of czarism, did not guarantee free speech, free assemblage, or a free press to sound the paeans of the Czar, or of the Government as it was constituted; anyone could sing the national anthem, anyone could sing the praises of the Czar and the dynasty. No constitutional guaranty for the right of free speech, a free press, and free assemblage, was necessary for Russia in those times; and there is no necessity for the first constitutional amendment guaranteeing the right of free speech, a free press, and free assemblage, to sound the praises of the Government of the United States, or to sing our national anthem. There is no need for any guaranty to do those things.

The guaranty in the Constitution of the United States of free speech, a free press, and free assemblage, is for the guaranteeing of the right of the people to say the ugly things, the things which displease; the things which they have in their minds to criticize the Government of the United States, or to find fault with it; to make suggestions, to air themselves. It is the safety valve for every governmental machine constituted here or elsewhere.

There is a proviso in the bill to make the Postmaster General the Paul Pry to pry into letters that he, or his agents, may suspect to contain something of a suspicious character. This is espionage upon the people of the United States, and is going further than at any time, even during the war. All these attempts make the life of the people irksome, irritable, and resentful. I have participated in movements among the people of the United States, of sympathetic support, for the revolution of Russia. I am proud of what little help I have been able to give to that cause, but utterly regretful of the course it has taken and into which it has degenerated.

But our main attacks upon czarism, in part, and Prussianism, in part, were against the exercise of those functions that are provided for in this bill. In one of the provisions of this bill there is a statement that any one who shall be at an assemblage where there is discussed some of the things inhibited, who does not leave, shall be recognized as in part an aider and abettor to the doing and the saving of the things at that assemblage which are declared by the bill to be unlawful.

I am reminded of the fact that about three years ago the President of the Mexican Republic, Mr. Carranza, issued an edict in which strikes were made treason, and in which it was provided that anyone who advocated a strike was guilty of treason and punishable, upon being found guilty by court-martial, by being shot to death. Any person who should be at a meeting where such a strike was being discussed, and who did not leave the hall at once, was equally guilty with those who were holding the meeting in furtherance of the strike, and it was provided that he should be tried and, if found guilty, shot to death.

In section 9 there is a provision that anyone who attends a meeting where some unlawful thing is advocated shall also be judged guilty. Section 9 provides:

That any association, gathering, assembly, society, or corporation which seeks, directly or indirectly, by force or violence, or by injury to or destruction of human beings, or public or private property, to bring about a change in the Constitution or laws or authority of the Government of the United States, or any State thereof, or of all forms of organized government, or which teaches, advises, proposes, threatens, or defends the unlawful use of force or violence in any form to bring about any such result, or which attempts to prosecute or pursue such purpose, is hereby declared to be unlawful.

It says, "Any assembly, or society, or corporation" and would apply to any bystanders. Even there it is not a question of physical force; it may be moral force. The word "gathering" embraces all those who are present at the meeting; that is the "gathering." They would be guilty of an unlawful act by being at that meeting. Section 10 of the bill provides:

That no person shall act as an officer of any such unlawful association, or, knowing the object, purpose, teaching, or doctrine of such unlawful associa-

tion, become a member thereof or become affiliated therewith, or contribute any money or other thing of value thereto or to any one for its use, or rent any room, building, or place for the use of said unlawful association, or permit the occupation by such unlawful association or any committee or branch thereof of any room, building, or other place under his ownership or control.

The right of every citizen of the United States to advocate, by speech or by the press, changes in the laws, or in the Constitution, or in the form of government, should be granted to him unquestionably.

I am just as much opposed to anyone attempting to accomplish that result by machine guns, or even by a bow and arrow, or a club as is any other citizen of the United States; I have done my share to help put down any such concept. But I hold that it is the right of every citizen of the United States to use all the moral force, moral suasion, that he can to induce his fellow citizen to think as he does; and if he fails, he fails; and every man has the right to oppose him. The question is of physical force, or by indirection, or leaving it open to interpretation—that "force" may be construed to mean formal force, or circumstances which result from that moral force—persuasion.

There is not a strike which will not, for the time being, do some injury to property; that is, to property rights; it impairs it; it impairs its earning capacity; the withholding of labor power involves loss and injury to the employer during the period of the stoppage of the work; whether that be a lockout or a strike, anyone engaged in such a movement would come under the provisions of the bill as now drawn.

The whole piece of legislation is entirely unnecessary and entirely superfluous and would react and injure the very concept of the Republic of the United States which has been regarded as the home of freedom and the home of the brave. We have idealized that and do idealize it, so much so that we look askance and with apprehension to the enactment of this character of legislation.

There are now on the statute books of the United States all the laws which are necessary for the protection of our country. I would like to submit section 4 of the Criminal Code which is now the law of our country:

Whoever incites, sets on foot, effects, or engages in any rebellion or insurrection against the authority of the United States, or the laws thereof, or gives aid or comfort thereto, shall be imprisoned not more than 10 years, or fined not more than \$10,000.

That is a section of the Penal Code of the United States. Now, what else do we want? What laws do we need? Is there nothing inherent in our form of Government that appeals to the conscience, to the idealism, that appeals to the patriotism of Americans, that would come to its assistance and its defense against any and all of its enemies?

I am not a lawyer; but I do know this, that under the powers granted to our Government by Congress, accepted by the people of the United States, and sympathetically indorsed and maintained, there are laws upon the statute books of the United States, including the provision which I have just read, which are ample to protect our country from even that class of people from whom there has developed this hysteria of more and more laws restricting and

limiting and construing the activities, the normal activities, of the people of the United States.

If the word "physical" should be placed in front of "force" in section 9 it still would be unsatisfactory.

The constructions which have been placed by the courts upon strikes would make me oppose not only that provision but the whole piece of legislation and the purpose of the legislation. There is now a law upon the statute books of the United States to protect it against any species of activity which contains physical force or physical violence. A free government has no right, in my judgment, to deny the right of citizens to the exercise of their normal activities for the purpose of procuring changes. The legislation in itself—the bill, the purpose of the bill—must be considered. Strikes do, without the slightest act of physical force, without the slightest violence, inflict injury upon property. I am opposed to any additional legislation along this line, regardless of whether the Department of Justice says it is necessary or not. And, though I am not in charge of the administration of the laws of the United States, yet I have some understanding of the situation in our country, and I have every reason to know that much of this agitation is due to hysteria, and to nothing else.

During the war there was a whole-hearted support of the Government, practically on the part of all the people; and no one more so than the men and women of labor, and particularly the men in the organized labor movement. We were all keyed up to a very high pitch with the strain of it all. And power was conferred upon the Government as at no other time in our history. Before the war and during the war our people were practically 100 per cent loyal and patriotic. We fought against imperialism; we fought against autocracy; we fought against militarism. After it is all over and we won a glorious victory, we now, at the close of the war—that is, with the war practically closed, if not legally and technically—now with the war practically closed, during peace times and for peace times, it is proposed to enact and place upon the statute books of our country laws that would place our country in the position of being practically upon the same plane as those forces against which we were contending in the war in which so many sacrifices were made.

This is not in the order of freedom; it is against freedom. It is not going to stifle discontent; it will increase it. It will make protestants against injustice and unfreedom. It will create a feeling among the people of our country, the full course of which no one can foresee.

Reverting back not alone to the great injury to the great mass of the people but speaking directly in the name of the people whom I have the honor to represent—the working people—it is the worst injury and wrong that can be attempted, to limit their activities so that a construction can and will, in my judgment, be placed upon the normal activities for a better life and better conditions so that those activities will come under the prohibitions and penal clause of this bill.

I do not know whether I have the right to present to this committee a few matters, briefly, in regard to my own activities and the activities of my associates in the labor movement of America, showing the character of our work. I do not want, even by indirection,

to question the right of any Member of Congress, in either House, to criticize me, to criticize our movement, to attack me or my motives or anything else. But I can not rest silent under a charge of lack of patriotism or loyalty to my country.

I may say to you, gentlemen, that nearly a month before the President of the United States appeared before the Congress in joint session to place the indictment against the imperial Government of Germany I suggested to my associates of the executive council of the American Federation of Labor the calling of a meeting at Washington for the purpose of there formulating the attitude which labor and the representatives of labor would take if we were drawn into the war.

My associates approved of that course, and the conference was called. It was held on March 12, 1917, in Washington; at that time the representatives of the organized workers of America met in conference and drew up a declaration, which is as follows:

AMERICAN LABOR'S POSITION IN PEACE OR IN WAR.

WASHINGTON, D. C., *March 12, 1917.*

A conference of the representatives of the national and international trade-unions of America, called by the executive council of the American Federation of Labor, was held in the American Federation of Labor Building, March 12, 1917, in which conference the representatives of affiliated national and international trade-unions and the railroad brotherhoods participated.

The executive council of the American Federation of Labor had the subject matter for three days under advisement prior to the conference and submitted a declaration to the conference. The entire day was given over to a discussion of the recommendation and such suggestions as were submitted. After a thorough discussion the following document was adopted by a unanimous vote:

We speak for millions of Americans. We are not a sect. We are not a party. We represent the organizations held together by the pressure of our common needs. We represent the part of the Nation closest to the fundamentals of life. Those we represent wield the Nation's tools and grapple with the forces that are brought under control in our material civilization. The power and use of industrial tools is greater than the tools of war and will in time supersede agencies of destruction.

A World War is on. The time has not yet come when war has been abolished. Whether we approve it or not, we must recognize that war is a situation with which we must reckon. The present European war, involving as it does the majority of civilized nations and affecting the industry and commerce of the whole world, threatens at any moment to draw all countries, including our own, into the conflict. Our immediate problem, then, is to bring to bear upon war conditions instructive forethought, vision, principles of human welfare and conservation that should direct our course in every eventuality of life. The way to avert war is to establish constructive agencies for justice in times of peace and thus control for peace situations and forces that might otherwise result in war.

The methods of modern warfare, its new tactics, its vast organization, both military and industrial, present problems vastly different from those of previous wars. But the Nation's problems afford an opportunity for the establishment of new freedom and wider opportunities for all the people. Modern warfare includes contests between workshops, factories, the land, financial and transportation resources of the countries involved; and necessarily applies to the relations between employers and employees, and as our own country now faces an impending peril, it is fitting that the masses of the people of the United States should take counsel and determine what course they shall pursue should a crisis arise necessitating the protection of our Republic and defense of the ideals for which it stands.

In the struggle between the forces of democracy and special privilege, for just and historic reasons the masses of the people necessarily represent the ideals and the institutions of democracy. There is in organized society one

potential organization whose purpose is to further these ideals and institutions—the organized labor movement.

In no previous war has the organized labor movement taken a directing part.

Labor has now reached an understanding of its rights, of its power and resources, of its value and contributions to society, and must make definite constructive proposals.

It is timely that we frankly present experiences and conditions which in former times have prevented nations from benefiting by the voluntary, wholehearted cooperation of wage earners in war time, and then make suggestions how these hindrances to our national strength and vigor can be removed.

War has never put a stop to the necessity for struggle to establish and maintain industrial rights. Wage earners in war times must as has been said, keep one eye on the exploiters at home and the other upon the enemy threatening the national Government. Such exploitation made it impossible for a warring nation to mobilize effectively its full strength for outward defense.

We maintain that it is the fundamental step in preparedness for the Nation to set its own house in order and to establish at home justice in relations between men. Previous wars, for whatever purpose waged, developed new opportunities for exploiting wage earners. Not only was there failure to recognize the necessity for protecting rights of workers that they might give that wholehearted service to the country that can come only when every citizen enjoys rights, freedom, and opportunity, but under guise of national necessity, labor was stripped of its means of defense against enemies at home and was robbed of the advantages, the protections, the guarantees of justice that had been achieved after ages of struggle. For these reasons workers have felt that no matter what the result of war, as wage earners they generally lost.

In previous times labor had no representatives in the councils authorized to deal with the conduct of war. The rights, interests, and welfare of workers were autocratically sacrificed for the slogan of "national safety."

The European war has demonstrated the dependence of the Governments upon the cooperation of the masses of the people. Since the masses perform indispensable service, it follows that they should have a voice in determining the conditions upon which they give service.

The workers of America make known their beliefs, their demands, and their purposes through a voluntary agency which they have established—the organized labor movement. This agency is not only the representative of those who directly constitute it, but it is the representative of all those persons who have common problems and purposes but who have not yet organized for their achievement.

Whether in peace or in war the organized labor movement seeks to make all else subordinate to human welfare and human opportunity. The labor movement stands as the defender of this principle and undertakes to protect the wealth producers against the exorbitant greed of special interests, against profiteering, against exploitation, against the detestable methods of irresponsible greed, against the inhumanity and crime of heartless corporations and employers.

Labor demands the right in war times to be the recognized defender of wage earners against the same forces which in former wars have made national necessity an excuse for more ruthless methods.

As the representatives of the wage earners we assert that conditions of work and pay in Government employment and in all occupations should conform to principles of human welfare and justice.

A nation can not make an effective defense against an outside danger if groups of its citizens are asked to take part in a war though smarting with a sense of keen injustice inflicted by the Government they are expected to and will defend.

The cornerstone of national defense is justice in fundamental relations of life—economic justice.

The one agency which accomplishes this for the workers is the organized labor movement. The greatest step that can be made for national defense is not to bind and throttle the organized labor movement but to afford its greatest scope and opportunity for voluntary effective cooperation in spirit and in action.

During the long period in which it has been establishing itself, the labor movement has become a dynamic force in organizing the human side of industry and commerce. It is a great social factor, which must be recognized in all plans which affect wage earners.

Whether planning for peace or war the Government must recognize the organized labor movement as the agency through which it must cooperate with wage earners.

Industrial justice is the right of those living within our country. With this right there is associated obligation. In war time obligation takes the form of service in defense of the Republic against enemies.

We recognize that this service may be either military or industrial, both equally essential for national defense. We hold this to be incontrovertible that the Government which demands that men and women give their labor power, their bodies, or their lives to its service should also demand the service, in the interest of these human beings, of all wealth and the products of human toil—property.

We hold that if workers may be asked in time of national peril or emergency to give more exhausting service than the principles of human welfare warrant, that service should be asked only when accompanied by increased guaranties and safeguards, and when the profits which the employer shall secure from the industry in which they are engaged have been limited to fixed percentages.

We declare that such determination of profits should be based on costs of processes actually needed for product.

Workers have no delusions regarding the policy which property owners and exploiting employers pursue in peace or in war, and they also recognize that wrapped up with the safety of this Republic are ideals of democracy, a heritage which the masses of the people received from our forefathers, who fought that liberty might live in this country—a heritage that is to be maintained and handed down to each generation with undiminished power and usefulness.

The labor movement recognizes the value of freedom and it knows that freedom and rights can be maintained only by those willing to assert their claims and to defend their rights. The American labor movement has always opposed unnecessary conflicts and all wars for aggrandizement, exploitation, and enslavement, and yet it has done its part in the world's revolutions, in the struggles to establish greater freedom, democratic institutions, and ideals of human justice.

Our labor movement distrusts and protests against militarism, because it knows that militarism represents privilege and is the tool of special interests, exploiters, and despots. But while it opposes militarism, it holds that it is the duty of a nation to defend itself against injustice and invasion.

The menace of militarism arises through isolating the defensive functions of the State from civic activities and from creating military agencies out of touch with masses of the people. Isolation is subversive to democracy—it harbors and nurtures the germs of arbitrary power.

The labor movement demands that a clear differentiation be made against military service for the Nation and police duty, and that military service should be carefully distinguished from service in industrial disputes.

We hold that industrial service shall be deemed equally meritorious as military service. Organization for industrial and commercial service is upon a different basis from military service—the civic ideals still dominate. This should be recognized in mobilizing for this purpose. The same voluntary institutions that organized industrial, commercial, and transportation workers in times of peace will best take care of the same problems in time of war.

It is fundamental, therefore, that the Government cooperate with the American organized labor movement for this purpose. Service in Government factories and private establishments, in transportation agencies, all should conform to trade-union standards.

The guaranties of human conservation should be recognized in war as well as in peace. Wherever changes in the organization of industry are necessary upon a war basis, they should be made in accord with plans agreed upon by representatives of the Government and those engaged and employed in the industry. We recognize that in war, in certain employments requiring high skill, it is necessary to retain in industrial service the workers specially fitted therefor. In any eventuality when women may be employed, we insist that equal pay for equal work shall prevail without regard to sex.

Finally, in order to safeguard all the interests of the wage earners organized labor should have representation on all agencies determining and administering policies for national defense. It is particularly important that organized labor should have representatives on all boards authorized to control publicity during war times. The workers have suffered much injustice in war times

by limitations upon their right to speak freely and to secure publicity for their just grievances.

Organized labor has earned the right to make these demands. It is the agency that in all countries stands for human rights and is the defender of the welfare and interests of the masses of the people. It is an agency that has international recognition which is not seeking to rob, exploit, or corrupt foreign Governments, but instead seeks to maintain human rights and interests the world over; nor does it have to dispel suspicion nor prove its motives either at home or abroad.

The present war discloses the struggle between the institutions of democracy and those of autocracy. As a Nation we should profit from the experiences of other nations. Democracy can not be established by patches upon an autocratic system. The foundations of civilized intercourse between individuals must be organized upon principles of democracy and scientific principles of human welfare. Then a national structure can be perfected in harmony with humanitarian idealism—a structure that will stand the tests of the necessities of peace or war.

We, the officers of the national and international trade-unions of America, in national conference assembled in the Capital of our Nation, hereby pledge ourselves in peace or in war, in stress or in storm, to stand unreservedly by the standards of liberty and the safety and preservation of the institutions and ideals of our Republic.

In this solemn hour of our Nation's life, it is our earnest hope that our Republic may be safeguarded in its unswerving desire for peace; that our people may be spared the horrors and the burdens of war; that they may have the opportunity to cultivate and develop the arts of peace, human brotherhood, and a higher civilization.

But, despite all our endeavors and hopes, should our country be drawn into the maelstrom of the European conflict, we, with these ideals of liberty and justice herein declared as the indispensable basis for national policies, offer our services to our country in every field of activity to defend, safeguard, and preserve the Republic of the United States of America against its enemies, whomsoever they may be, and we call upon our fellow workers and fellow citizens in the holy name of labor, justice, freedom, and humanity to devotedly and patriotically give like service.

That declaration was adopted by unanimous vote; and, better than all, the workers of America made good on that declaration of loyalty and faith.

During the early part of 1918 there was held in London a meeting of the representatives of labor of the allied countries. We were invited, but we could not go. At that conference, in February, 1918, that body declared for a negotiated peace and demanded from their respective Governments that negotiations with the Central Powers should be begun forthwith.

In September of that year another conference was held, representing the same bodies and almost of the same personnel—except this, that the American Federation of Labor was represented at that conference. That conference adopted a declaration that the forces of the Central Powers must be met and defeated, until they were driven from the lands they had invaded and occupied and until they should refuse to give obedience to the autocracies of their Governments.

During the period of 1917 and 1918, and also just before we entered into the war, there were two distinctive movements on foot for the purpose of preventing our country from entering into or prosecuting the war. There was no agency in all America so potent to defeat and destroy those two movements as the American Federation of Labor. I had the honor of playing some part in that activity—at many of the camps, preaching the doctrine of Americanism and patriotism and determination to carry the war to a victorious end; speaking in public; speaking at meetings for the Liberty loans and

for the war savings; urging men to comply with requests to subscribe to the bond issues and to buy the war-savings stamps and thrift stamps; contributing to the measure of my financial ability to all of it; going over to Europe; being chosen by the President and the American commissioners to negotiate peace as one of the commissioners on the part of the United States on the International Labor Commission, which sat for about seven weeks; devising the labor convention now adopted by the plenary council and made a part of the treaty of Versailles; receiving the express thanks of the commissioners; and, at the completion of the work, having the President of the United States declare at the plenary council his approval of that document and to express his regret that I could not be present in order to voice the sentiments of the workingmen of America as it had been necessary for me to return to the United States before the completed work was presented to the council.

I received a letter from the American Commission to Negotiate Peace, dated September 1, 1919, which I should like to read into the record. It is dated, Paris, September 1, 1919, and is signed by Robert Lansing, Henry White, E. M. House, and Tasker H. Bliss; and reads as follows:

AMERICAN COMMISSION TO NEGOTIATE PEACE,

Paris, September 1, 1919.

DEAR MR. GOMPERS: With the completion of your work with the American Commission to Negotiate Peace, we, the commissioners, desire to extend to you, on behalf of the Government which we represent, as well as personally, our warm thanks for the important services which you have rendered your country while on duty here. The task of making peace has been great and arduous, and our country is indebted to those who, like you, have rendered such valuable service to the Government.

You take with you the sincere wishes of the commission for the future.

Faithfully, yours,

ROBERT LANSING.
HENRY WHITE.
E. M. HOUSE.
TASKER H. BISS.

HON. SAMUEL GOMPERS,

American Federation of Labor, Washington, D. C.

This is the first time that I have made public that letter.

There are others which I have received, which are too numerous to take the time of the committee in referring to, or even mentioning. But the services which I have tried to render to my country, at any time and all time, entitle me at least to be immune from a charge of disloyalty or failure in patriotic services to the country.

I want to be of some value to my fellow beings. This country—I have said this and I want to repeat it here—fortunately, or unfortunately, this is not the country of my birth. I was born in England, in 1850. I have been in the United States since I was 13 years of age, landing here on July 29, 1863. I have lived in the United States longer than probably nine-tenths of the people in the United States. I became a citizen a few months after my eligibility began—and I have kept the faith.

To me America is something more than a name; it is more than a country; it is more than a continent. I have said that to me it represents the apotheosis of all that is right and good and just. And in my life I have tried to be of service to my fellows and my

country; to render, not lip service, but real service, and to take the chance and the consequence of what service means.

And, in spite of the fact of my advanced years, I feel a virility and strength; and while I sometimes look back for guidance, I am a forward-looking man. I live for whatever may be in store for me in the years to come; I look to the future to contribute my mite and my service, whatever it may be, to be helpful to my country and to my people and to my fellows.

And I am apprehensive of this species of legislation. It will take the idealism out of the people of the United States; it will take the reverence out of the hearts and souls for the spirit of America. Repression and suppression all bring resentment in their wake; just as surely as the law of gravitation has its repulsion, just so surely comes the reaction against any attempt upon the natural, normal activities of a people.

We want to speak of America in the terms of the Declaration of Independence. We want to speak and think of the spirit of the institutions as we do on the Fourth of July, our Independence Day. We want to speak of the Republic of the United States, and to think of it, in the terms of the fathers, and in the higher and better spirit of to-day—the more humane spirit of the peoples of to-day and of the future.

This legislation is not reconstruction; it is destruction. This is not going to suppress or kill off discontent; it will increase it. And whether that discontent is manifested one way or another, it will be discontent; and if the open meeting, assemblage, and freedom of the people are curbed, the underground, the secret assemblage, with all that breeds from secrecy and darkness and the feeling of suppression and denial of right will surely follow. The proposed legislation does not accomplish, and can not accomplish, the desired result; for the desired result is to stamp out the advocacy of change in the Government, in the forms, in the Constitution, in the method.

Nothing is so contributory to a better understanding of the people of the United States, or of any country, of any cause, as publicity—open publicity. And, much as we are disturbed by any so-called radicalism, it is better that it should be permitted and be counteracted by other influences that we can exert than that we should attempt to throttle it. It will not be throttled.

I think the American labor movement, and I as one of its representatives, have done more than any other group of people to oppose this very thing you are trying to meet, if you are trying to meet the real situation. We are opposed to it in principle. We are opposed to it in practice, and we are contending against it more effectually than any other known group of which I am aware.

I appeal in the name of labor—and not alone in the name of labor. I appeal in the name of our country, and the real, true, liberty-loving men and women of the United States, against the enactment of this species of legislation—not only the bill itself, but the species of legislation. You do not meet the condition; you do not overcome it; you simply provoke a greater discontent and a greater feeling of dissatisfaction.

I hope the committee will not report the bill. America is too pure and ideal to have it defiled by such species of legislation.

As the attitude of the American Federation of Labor to bolshevism permit me to submit the following editorial published in the American Federationist for February, 1920:

THE TRUTH ABOUT SOVIET RUSSIA AND BOLSHEVISM.

No possible opportunity for the creation of sentiment afavorable to the soviet idea is overlooked by the soviet propagandists in America. That the Russian Bolshevist government maintains in this country a continuous propaganda is no longer a secret. It is to be doubted, however, whether the propaganda which emanates directly from the Bolshevist organization itself is more effective than the propaganda which is conducted by those who claim to be entirely detached from Russian influence and Russian pay rolls. It is doubtful whether those publications issued more or less directly by Russian Bolshevist agents have as great an effect in America as those publications which style themselves "liberal" and which like to be known as "journals of opinion," such as the Nation, the Dial, and the New Republic. In the same class with these are a number of newspaper and magazine writers who have within the last two years become more or less well known as writers on the Bolshevist question.

In all of these avenues of publicity there is what passes as an air of tolerance under the guise of which, however, support of the Bolshevist experiment has been at least generous.

The most recent plea of these "liberal" publications and individuals is for withholding all judgment on Russia; as was said in a recent editorial in one of the leading publications of this class, "we know nothing about Russia." It is set forth that our information concerning Russian affairs and Russian events is so incomplete as to make the passing of judgment unwise.

The American people are told that since they do not know what is going on in Russia it is unfair and unwise to pass judgment. There is something about a plea of this character that to the superficial sounds plausible enough. Of course, it is intended that it should sound plausible. On the surface it has all the earmarks of a plea for caution and fair play in the interests of balanced judgment and justice. Not everyone, however, will be deceived by this surface appearance. It will be apparent at once to a great many that bolshevism is an issue by itself and the merits or demerits of bolshevism as a system of government may be judged by Americans without reference to the facts as they concern conditions existing in Russia at the present moment.

It was not necessary for Americans to know at all times just what were the exact conditions in Germany before passing judgment on the form of government existing in Germany. It was necessary only to know what was the form of government and under what rules it operated. We do not have to wait for information about the form of government existing in what is called Soviet Russia. All the information necessary to the passing of judgment on bolshevism as a system of government and as a state of society is at hand from sources that are authentic.

The plea of those misguided persons in America who say, "wait for facts before passing judgment," is nothing more than an excuse which it is hoped will gain time for the Russian experiment and enable it to spread to other countries. It may be of interest to set down here some of the facts about Bolshevist Russia which have long been accessible to all America and which have long been known to all those who cared to have the information.

The constitution adopted by the Fifth Pan-Russian Congress abandons all claim to represent the people as a whole and declares for "a dictatorship of the proletariat and the poorest peasantry."

The largest Bolshevist estimate of the numbers of the proletariat calculates them as being only one-fifth of the number of peasants. The manner in which a great portion of the peasantry is disfranchised will be seen in the following extract from the new constitution (see sec. 8, art. 1):

"The Pan-Russian Congress of Soviets consists of representatives of the urban soviets (one delegate for each 25,000 voters) and representatives of the provincial congresses (one delegate for each 125,000 voters)."

By this method democracy is repudiated in the practice of soviet government. Lenin's own antipathy to democracy is found more clearly stated in his denunciation of the Mensheviki, which is the rival faction of the Social Democratic Party:

"In its class composition this party is not socialist at all. It doesn't represent the laboring masses; it represents fairly prosperous peasants and workmen, petty traders, and many small and some even fairly large capitalists, and a certain number of real but gullible proletarians who have been caught in the bourgeoisie net."

It will be seen here that even a "fairly prosperous" workman is not a proletarian and as an individual is to be looked upon with more or less of scorn.

Karl Radek, high in the councils of bolshevism, stated in an interview given in Berlin to a correspondent of the New York Globe that "the claim made by some of our people that the majority of the Russian people favor the soviet government is not true. The peasants are against the soviet government."

It is fair to say that the peasants constitute some 85 per cent of the Russian people.

Bolshevist statistics show how small is the Bolshevik minority which governs the soviets under the rule of absolutism in the name of the proletariat while truly representing neither the rural nor urban masses. These statistics show that the Bolshevik minority does not even represent the masses of the factory workers in Moscow, the stronghold. The following figures are from the Bolshevik publication, *Communar*, of May 17, 1919:

"The Sytin printing works employs 1,600 persons. In the communist nucleus there are 10 communists and 60 sympathizers. After the meeting at which an anti-Kolchak resolution was defeated, a 'vindication committee' was elected to explain in the press the true attitude of the shop: The workers of the shop are against Kolchak, but they would not adopt the resolution because it came from the Bolsheviks.

"Postavschik employs 2,660 workmen. The nucleus has 36 communists and 10 sympathizers. Of these there are only eight persons in the place and no party work is therefore conducted. The shop committee consists of communists. Literature is well distributed, 700 copies of newspapers and from 15 to 200 copies of magazines.

"Here we see that even the immense soviet subsidies for propaganda are futile—in spite of the fact that the workers are advanced socialists, shut off from the outside world and without an independent press. It will be noted that in most of these factories the economic dependence of the workers on the soviets for jobs, bread tickets, and factory subsidies—to say nothing of terrorism—has led to Bolshevik committees or shop officials.

"Bromley, 1,200 workers employed. The group consist of 10 communists and 15 sympathizers. The group meets every week. The factory committee is communist. The general state of mind is improving.

"Einem—Employs 1,400 workers, 850 of whom are women. The nucleus has 40 communists and 8 sympathizers. Their influence in the factory is little. The presiding officers of the shop committee are communists. Lectures are arranged occasionally. Newspapers are well distributed.

"Centrosoyuz—900 working women are employed. The nucleus has 25 communists and 4 sympathizers. The women are very backward and party work among them is very difficult.

"The Electric Station of 1886—1,300 workmen are employed. The communist group has 27 members. Party work is not being conducted. The general state of mind is calm. The shop committee is communist."

This publication lists 16,000 workers in one part of Moscow and finds among these 687 Bolshevik party members and sympathizers. The one union mentioned in the district shows about one-half of its members in these two classes.

Concerning the "chaotic, topsy-turvy" activities of the Soviets, Maxim Gorky, while editor of an independent Bolshevik paper in Russia and while himself a Bolshevik, declared:

"The decrees of the government of people's commissioners are no more than newspaper feuilletons, no more, no less. It is that sort of literature which is written on water, and even though a real idea is now and then given expression to, the present circumstances forbid the realization of any idea.

"Lenin possesses all the qualities of a 'chief,' including the absolute moral indifference which is often necessary to such a part. This people has already paid for Lenin's 'experience' with thousands and thousands of lives. It will still cost tens of thousands more. But this atrocious tragedy never makes Lenin hesitate, for he is the slave of dogma, and his partisans are his slaves.

The working classes are to Lenin what minerals are to the metallurgist. Can a Socialist-Nationalist state be made of this mineral? Indeed, no; and Lenin doubts it. But why not try? What does Lenin risk if the attempt does not come off? Nothing much."

Concerning those things for which bolshevism stands and the Bolshevik methods of obtaining power and of furthering the cause of bolshevism throughout the world, there is ample documentary evidence.

Bruce Lockhart, whose competency is testified to by Raymond Robins, and who was in Russia at the same time as an unofficial English representative persona grata to the Bolshevik ruling powers, had this to say:

"The avowed ambition of Lenin is to create civil warfare throughout Europe. Every speech of Lenin's is a denunciation of constitutional methods, and a glorification of the doctrine of physical force. With that object in view he is destroying systematically both by execution and by deliberate starvation every form of opposition to bolshevism. This system of 'terror' is aimed chiefly at the Liberals and non-Bolshevik Socialists whom Lenin regards as his most dangerous opponents."

Oscar Tokol, first constitutionally elected prime minister of Finland, who spent several months in Russia as a pro-Bolshevik, set down this verdict:

"In comparison with the entire population, only a small minority supports the government, and, what is worse, to the supporters of the government are rallying all the hooligans, robbers, and others to whom this period of confusion promises a good chance of individual action.

"Even a great part of those who from the beginning could stay with the government and who still are sincere social democrats, having seen all this chaos, begin to step aside or to ally themselves with those openly opposing the government. Naturally, as time goes by there remains only the worst and the most demoralized elements. Terror, arbitrary rule, and open brigandage become more and more usual, and the government is not able to prevent it.

"Naturally, only a small part of the people will remain backing such an order."

The world-wide revolutionary aims of the Bolsheviks are clearly indicated in last year's May day proclamation of the communist international in which appeared this phrase:

"Long live civil war; the only just war in which the oppressed class fights its oppressors."

A more recent proclamation contained the following declaration:

"Conquest of the political power means not merely a change in personnel, but annihilation of the enemies' apparatus of the government. The revolutionary era compels the proletariat to make use of the means of battle which will concentrate its entire energies, namely, mass action with its logical resultant direct conflict with the government machinery in open combat."

The "mass terror" tactics of the Bolshevik rulers is characterized in numerous Bolshevik orders which have been published and of which the following official order of the commandant of the fortified district of Petrograd quoted from *Izevestia* of August 16, 1919, is a fair example:

"I warn all that in the event of repeated cases of arson, I will not hesitate to adopt extreme measures, including the shooting of the bourgeois hostages, in view of the fact that all the White Guard's plots directed against the proletarian state must be regarded not as the crime of individuals but as the offense of the entire enemy class.

"Signed: Acting commandant of the fortified district of Petrograd.

"B. KOZLOVSKY."

The following official soviet telegram, dated September 2, 1918, justifies mass terror as a reprisal, but also refers to the fact that it had been previously adopted:

"Notwithstanding frequent pronouncements urging mass terror against the socialist revolutionaries, White Guards, and bourgeoisie, no real terror exists. Such a situation should decidedly be stopped. End should be put to weakness and softness. All right socialist revolutionaries known to local soviets should be arrested immediately. Numerous hostages should be taken from the bourgeoisie and other classes. At the slightest attempt to resist or the slightest movement among the White Guards, mass shooting should be applied at once. Initiative in this matter rests especially with the local executive committees."

Terrorism is not denied by the Bolsheviks. Soviet Russia, published in New York City, as an organ of "Ambassador" Martens makes the plain declaration that if the policy of the entente is not changed there may follow "total extermination of the Russian bourgeoisie by the exasperated masses."

Concerning the reasons for adoption of terrorist methods, Radek has said: "I am one who does not deny that there has been terror in Russia. The Government had to adopt drastic measures to keep the hungry, disgruntled, war-weary millions in leash."

Lenin himself does not always excuse his civil war as a defensive proposition. In his address to American workmen, the text of which is declared genuine by Martens, Lenin said:

"In reality the class struggle in revolutionary times has always inevitably taken on the form of a civil war, and civil war is unthinkable without the worst kind of destruction, without terror and limitations on the form of democracy in the interest of war. One must be a sickly sentimentalist not to be able to see, to understand and appreciate this necessity.

"The class struggle is permanent. We are living in revolutionary times. In order to fight the class struggle effectively in such times, in order to get power and keep it, civil war, terrorism, etc., are necessary. Here is the whole doctrine."

Early in Lenin's civil war Gorky wrote:

"The revolutionary army garrison at Sebastopol has already undertaken the last final struggle with the bourgeoisie. Without much ado they decided simply to massacre all the bourgeoisie who lived within their reach. They decided and did it. At first they massacred the inhabitants of the two most bourgeois streets in Sebastopol; then the same operation, in spite of the resistance of the local soviet, was extended to Simferopol, and then came the turn of Eupatoria.

"Apparently similar radical methods of class war will soon be applied to greater Russia.

"In Russia conscience is dead. The Russian people, in fact, have lost all sense of right and wrong. 'Pillage whatever there is to pillage.' Such is the motto of the two groups of Bolsheviks. The Red Guards, constituted to attack the counter revolutionaries, shoot without trial anyone whom they suspect. Pillage in all its forms is the only thing which is organized. In Petrograd every bolshevist citizen may share in the spoil."

This was written by Gorky early in 1918. This date should be borne in mind upon reading the remainder of Gorky's statement which follows:

"For the period of revolution 10,000 lynchings have already been accounted for. This is how democracy is meting out judgment upon those who have in some way sinned against the new order.

"During the days of the progress of drunkenness human beings were shot down like dogs and the cold-blooded destruction of human lives came to be a common-place daily occurrence. In the newspaper Pravda the programs of the drunken mobs are written up as the 'provocative acts of the bourgeoisie,' which is clearly a misrepresentation; the employment of a petty phrase which can only lead to the further shedding of blood."

The Moscow wireless New Year's message for 1920 was:

"In 1920 we shall attain a victorious end of civil war. Siberia, the Ukraine, the Don region, and the Caucasus desire soviets. There will also be soviets at Berlin, Washington, Paris, and London. Soviet authority will be supreme throughout the world."

Die Freiheit, the Berlin organ of the Independent Social Democrats, a revolutionary organ which has been most friendly to the Bolsheviks, says:

"Purity of principles is for Russia only an article for exportation. Always seeking to introduce anarchy and disorder in the world, Lenin to-day finds his road to Damascus, for he is making a fresh appeal to capitalist forms in order to reestablish the general economy of the country. The dictatorship of the proletariat is reducing itself to the dictatorship of a few Communist leaders. The councils' system is broken up, for the workers have no longer any influence in the factories. The agrarian program of the Communists is a complete fiasco."

An interesting point which it is well to recall is the total lack of moral sense on the part of the Bolsheviks, using the term "moral sense" as it is understood in the civilized world.

Zinoviev, president of the Petrograd Soviet, discussing the Prinkopo Island proposal February 2, 1919, said:

"We are willing to sign unfavorable peace with the Allies. It would only mean that we should put no trust whatever in the bit of paper we would sign. We should use the breathing space so obtained in order to gather our strength in order that the mere continued existence of our government would keep up the world-wide propaganda which soviet Russia has been carrying on for more than a year."

A wireless dispatch from Moscow dated December 11, 1919, quotes Lenin as follows:

"In a mass, they (the well-to-do peasants) are on the side of the capitalists and are not content with the revolution that has taken place. It will be necessary to wage a long struggle yet against this group. The mass of the middle peasantry stand among those who have exploited others. Here is our most difficult task.

"For the present there is no choice," Lenin concludes, "we must assist the workers or the least hesitation will give victory into the hands of the land-owners and capitalists."

The economic condition in internal Russia at the present time has absolutely nothing to do with the merits or demerits of the Bolshevik philosophy of government.

The Russian economic situation should have not the slightest influence in determining the judgment of any person on the question of Bolshevism as a philosophy of government and of social organization. If the Russian economic organization were perfect and were functioning regularly with Prussian efficiency it would not add one iota to the weight of proof in favor of Bolshevism and should not be considered as having any bearing upon the question.

The facts concerning the economic organization of Russia, however, do not show such a state of perfection but show a state of affairs decidedly the contrary. It may be of interest to quote one or two Bolshevik authorities on this phase of the question merely by way of illumination.

The Severnaya Communar No. 78:

"There is an unprecedented decline of productivity in mills and factories. We must combat this resolutely."

The following statements, also highly illuminating, have been recently submitted by responsible Russian trade-unionists to Mr. W. A. Appleton as president of the International Federation of Trade Unions, forwarded by him to the American Federation of Labor, and form the most recent direct information:

DECEMBER 12, 1919.

To W. A. APPLETON,

President International Federation of Trade Unions.

Statement by the Workers' Delegation—Ijevski and Vodkinska factories:

This delegation, which arrived at London on December 6, 1919, has by general consent of the workers of Ijevski and Vodkinska factories, and by the resolution passed at the sitting of the Ural's Trade Union on June 15 the following mission to perform:

To inform the citizens of England concerning the present condition of Russia and the Russian working class.

We come forward as nonparty representatives of workingmen, and we do not wish to involve ourselves in English party politics. We turn to you in the first place as the representatives of a nonparty labor organization, and ask you to give us your cooperation in the fulfilment of our mission.

We have up to now given no interview to the English press. We wish to declare hereby that we are ready to answer all direct questions, both in meetings and the press, and if necessary, to answer them before the bureau of the International Federation of Trade Unions at Amsterdam.

In submitting this statement we appeal in the name of justice to international democracy.

YPOVALOV,

President Vodkinska Union Metal Workers.

STRUMELOV,

Member of Directorate of Metal Workers' Union, Perm.

JANDERMOV,

Vice President Federated Trade Unions of Urals.

MENSHEKOV,

Member of Executive Committee, Ijevski Union of Organization.

The following supplementary statement is made by the delegate from the Vodkinska workers:

"The causes of the rising against the soviet rule by Ijevski and Vodkinska peasant and workmen it is my wish to explain:

"People reading and hearing the thunderous logic and blatant rhetoric of Lenin, Trotski, and their associates, but unfamiliar with the actual state of affairs in Russia, are not in a position to understand it. They may think that the party which is fighting against soviet rule, as established by Lenin and Trotski, consists of the bourgeoisie and the old reactionary group. To emerge from this illusion, it is necessary to master the history of the situation. It is necessary to listen to the voice of the real Russia.

"We recognize that Russia economically lags behind other nations; that Russian manufacturers are in their early stages of development; and from economic laws it is certain that where there are not manufactures there can be no working classes, consequently there can be no bourgeoisie.

"In Russia, out of 180,000,000 inhabitants, 150,000,000 are peasants and about 20,000,000 are workers. Then we hear the Bolsheviks talk about 'power for the peasants and workers.' But is that what they have brought about? No. The voice of real Russia proclaims to all the world the following story:

"The Bolsheviks established their power by bayonets and broke the strength of peasants and workers, broke the elected assembly, which was on the principle of universal, direct, equal, and secret voting—broke all the societies of a democratic nature, such as the Zempstvos, that self-governing body elected by universal, direct, and secret voting. The bolshevists, ruthlessly, like autocratic gendarmes, killed all labor, political and socialistic organizations, throttled the labor press, as, for instance, its organ of the Social Democrats and Social Republicans, and finally the bolshevists established by decree the dawn of their own Tsarist Socialism.

"Who split up the reserve funds of the trade-unions? The bolshevists. Who split up the trade-unions as a class? By whose orders were all strikes put down by force of arms and amid plentiful executions? It was the bolshevists who broke the workmen's cooperative societies and converted their shops into communal stores. The bolshevists promised the Russian people bread, peace, and freedom.

"Actually, in place of peace they gave civil war, which destroyed all manufacture and stained every side with blood; in place of freedom, prison, exile, and the shooting party; in place of bread, famine and the grave. So it was, that having drunk to the full the cup of humiliation and tasted this red-bayonet socialism, Ijevski and Vodkinska recognized that further life of this sort was impossible, and though without arms, and armed only with the armor of right, with only their blistered hands to fight with, united in spirit, to a man they rose against the oppressors, and by virtue of their strength of will, snatched the rifles from the hands of the Red Guard and began the battle for citizens' rights and the freedom of the Russian people.

"The readers asks why bolshevism holds out so long if the peasants and workers are fighting against it. This is the true answer: All the world knows that the bolshevists concluded peace with Wilhelm, disarmed the Russian army, and with the Germans began to shoot down the workers and peasants. All the time their chief power has rested in Magyars, Chinese, Letts, Czar's gendarmes, capital criminals, and communists.

"All these dark forces, armed to the teeth, are driving under threat of death father against son, brother against brother, and the Russian people, which bore the first brunt of the mailed fist of Teutonic junkerdom and in the first place saved France and all Europe from destruction's bite, now bleeds in the struggle against it and looks to allied democracy all over the world in its turn to save Russia.

"YPOVALOV."

A supplementary statement by member for Ijevski factory follows:

"We, Ijevski and Vodkinska workers, who raised the standard and took arms against bolshevism, are anxious to give our story to English workers and to English newspapers. We wish to explain the reason which led to our revolt, for we can not at present understand why part of the English press regards the Bolsheviks as the friends of trade-unionism. We Russian workers have found that the Bolsheviks turned out enemies to trade-unionism as big as the capitalists of the Czar's time. We are ready to give you details of the horrors which we workers have lived through under the régime of their despotic sway. We

will give you the story of the decline of Russian productivity, and with it the eclipse of the industrial classes.

"We took up arms against our oppressors in the name of the duty which we owe to labor's flag, for which hundreds and thousands of its loyal defenders have died in our part of the world.

"MENSHEKOV."

The point which it is intended to convey is that there is available in America, and there has been in free circulation for months, ample information of an authentic and official character descriptive of bolshevism as applied to government in Russia. No American who cares to take the pains to read that which is almost thrust under his observation need have the slightest doubt about the philosophy of bolshevism or about the aims of the Bolshevik government set up by Lenin and Trotski in what is known as Soviet Russia.

It is not necessary to withhold judgment on the ground of insufficient information, nor is it all to the point that there are facts about the economic structure in Russia concerning which we are not informed. Judgment as to whether the political structure of bolshevism is good or bad, democratic or antidemocratic, desirable or undesirable, must be formed on the basis of facts about the character of that structure itself. An autocracy may be efficient in feeding and clothing its subjects, but the American mind will insist upon passing judgment on autocracy upon the facts relating to the autocracy itself and not upon the basis of whether it feeds the people or doesn't feed them. Industrial efficiency can never pass current in the United States as a reason for the existence of an autocracy.

In all concepts of freedom within the American Nation one fundamental principle is that any involuntary servitude—that is, compulsory labor—shall not be enforced upon the working people. Indeed, as a result of the American Civil War of 1861-1865 4,000,000 colored slaves were freed and an amendment to the Constitution of the United States adopted as follows:

"Neither slavery nor involuntary servitude except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction."

And that concept and the spirit of that amendment have been entirely reversed by the constitution of Bolshevik Russia, which provides for and enforces compulsory labor.

The plea to withhold judgment on the ground that "we knew nothing about Russia" is a plea based on a false assumption and a plea which should be denied a hearing for the simple reason that we do know about Russia in all those essentials which are necessary in passing judgment on Bolshevism. The plea to withhold judgment is a last desperate attempt to win favor from the American people for a system of government which by the confession of its own advocates and defenders is foreign to every concept of the American Republic.

We know about Russia. We know about bolshevism. We know the piteous story of cruelty and intolerance and we know the autocratic concept that underlies the minority dictatorship which is hailed to the world by its dupes and advocates as the most perfect state of society yet devised.

We know about it and we condemn it completely, finally, and for all time.

[American Federationist, March, 1920.]

THE TRUTH ABOUT SOVIET RUSSIA AND BOLSHEVISM NO. 2.

Fresh developments in France emphasize a truth about bolshevism which is too often overlooked by students of that manifestation of human fallibility. These new developments should serve to clarify the general understanding of the true character of bolshevism. The French Socialist Party has declared its adherence to what is known as the third international. In the course of a somewhat lengthy declaration there is this paragraph:

"The French Socialist Party indorses with all its power the suggestion of the German Independents and will work for the world unity of socialism by the fusion of all elements of the second international which have remained faithful to the class struggle with the groups that compose the third international."

The important and significant news is not alone that the French Socialist Party has indorsed the third, or communist international which was called

into being by Lenin and is dominated wholly by him. The important and significant news is that the French socialists support bolshevism, while the French trade unionists do not.

That which the French socialists indorse and cling to has been repudiated by the trade unionists by a vote of four to one. This action was taken recently by the French Confederation Generale du Travail (The French Federation of Labor).

The truth that has been evident for a long time to those who understand the character of various movements which pretend to represent "the working class" is that the main support of bolshevism really is closely akin to a bourgeois support and that the main strength of bolshevist sentiment throughout the world is in reality a middle-class support and not at all a working class support, except to a decidedly minor degree.

Examination of the facts will make this clear. The French Socialist Party is a political organization in which politics is played with extreme vigor and finesse and which is wholly dominated by persons who, by every mark that goes to classify individuals, are of the middle class. Certainly, they have no organic connection with the ranks of labor. French socialist leadership is, superficially at least, "a scholarly affair." It is much such a profession as the law, medicine, or journalism. In fact, almost every French socialist politician of note also is a journalist, for the one profession makes the other necessary. The French socialist leader truly belongs to that section of bumpily revolutionary society now generally known as the intelligentsia.

French labor unionism, on the other hand, is labor. Real labor needs no identifying tag. Its genuineness is apparent. Those who they say speak for labor are constantly proclaiming their authenticity. It is necessary that they should.

The prophets of bolshevism in France are the leaders of the Socialist Party, together with such men as Henri Barbusse and Anatole France—men who live and have their prosperity in the realm of wits and theories.

Bolshevism, according to Lenin's pronouncements, is a scheme for the enrichment of the producers of wealth, and a device with which to confound all who do no labor. The adherents of bolshevism, beginning with Lenin himself, are not the producers, except in an entirely unimportant sense and to an almost insignificant degree. Emphasis is brought to this truth by the situation now existing in France.

But what has happened in France is only what has happened elsewhere. France freshly emphasizes the matter by the fact that both the unions and the Socialist Party have taken official action almost simultaneously.

The Socialist Party in the United States has just decided to support the Lenin international. The Socialist Party here is no less doctrinaire, no less an organization of pretense, no less a forum for "professionals," than the Socialist Party in France. The American Federation of Labor, on the other hand, which alone speaks for labor in America, because it alone is labor, has repudiated bolshevism and pronounced it a menace to the civilization of the world.

In America, as in France, the socialist politicians and theorists are joined by other theorists in their advocacy of bolshevism. The purple fringe of intellectual freakishness in America is for bolshevism. It happens to be the mode; what the consequences might be to civilization were bolshevism to overthrow democracy causes them no apprehension.

In France the real producers will have none of bolshevism. In America the real producers will have none of bolshevism. In England the story is much the same, though the line is less clearly drawn, due to the manner in which the intelligentsia has seeped into trade union leadership. But in the main bolshevism in England is a thing stamped with the approval of such men as George Lansbury and Ramsay MacDonald, theorists and politicians. The masses of the producers of England may have an affliction, but it is not bolshevism at all.

Even in Russia the real producers of Russian wealth have fled from bolshevism and accept its presence only because of compulsion. Russia's great wealth has been and is in the products of her land. Russian city industry has never bothered the world. But Russian wheat, in normal times, was an export commodity of vast proportions. Russian industry could not provide for the needs of Russia. Russian agriculture could provide for the needs of Russia and overflow through all Europe in a great, golden stream of abundance. And the Rus-

sian peasant, the greatest productive agent in Russia, has not accepted bolshevism. Lenin himself complains bitterly of that fact.

In November, 1919—three months ago—Lenin spoke before the "First All-Russian Conference on the Work in the Villages." *Izvestia* on November 13, quoted Lenin's lament over the obstinacy of the peasant, a lament which Lenin has uttered a hundred times in his dictatorial career. Said he then:

"Here we have the most complicated and important problem of socialist reconstruction. The soviet and socialist power will be finally solidified, only when the peasant is in unquestioning alliance with the workers."

Lenin always notes a difference between peasants and workers. His language seems to indicate that the peasant is a different kind of entity, more in the nature of a tool. He makes it clear, however, that without peasant support bolshevism is doomed to fail. He continued:

"The victory over Denikine, which is now not remote, will not be the final destruction of capitalism. This is understood by everybody. They will make more than one attempt yet to throw the noose about the throat of soviet Russia. The peasant, therefore, has no alternative, either he will help the worker—and then we shall conquer capitalism—or the least little wavering will bring again the shackles of capitalism."

Lenin, here and elsewhere, makes it clear that peasant support and cooperation are something which he has not been able to get either by cajolery or to compel by force and atrocity. And without this "the least little wavering" will bring down his house.

In addition to all this, there is the recent utterance of Minister of Munitions Krasin in the Lenin autocracy. Krasin's remarks are quoted in the course of a character sketch published in *Le Temps*, of Paris, and republished in the *New Europe*. Krasin is quoted as having said to a friend of the writer, "Who still believes in socialism in Russia? Anyhow, neither I nor Lenin." Krasin has held four ministerial posts under Lenin and the *Temps* writer describes his efforts in each as having been to restore "good bourgeois practices."

There is the situation. It is not blockades and outside opposition that bring soreness and apprehension to the heart of Lenin; it is the failure of the great producing masses within his own realm to rally to the support of his fantastic structure.

Throughout the world the actual producing forces of society have not been swayed by the exotic chords of bolshevist propaganda. Their hands are too close to the machinery of society to be caught pulling the wrong lever. But that semidetached, though clearly differentiated, body of men and women whose time is spent in theorizing about the salvation of society and the future welfare of labor, has been made dizzy by the madness of the Bolshevist whirl and has fallen in, about as was to have been expected. It is a fair measure of bolshevism—a scheme set forth as the salvation of labor yet discredited the world over by the great producing masses of enlightened society.

There are some working people who believe bolshevism is good. This can not be denied, because they proclaim themselves. There have been some who believed in the I. W. W. There always is a small minority in any national population that will do the erratic thing, that will set itself against the overwhelming majority, but that can in no sense pretend to represent the will or the wish or the sentiment of the rank and file.

Bolshevism is a thing scorned by the producing masses. It is a child of abstraction—perhaps partly also a child of distraction—surely a freak and a scourge, the destruction of which is ardently desired by all those millions of people who are close to the roots and beginnings of things and who see clearly because they are close to fundamentals where clouds can not form.

Thus it is becoming more and more difficult for the propagandists of bolshevism to make a case of it, more and more simple for others to record the exact facts against it, and more and more certain that this cancerous growth is not going to be a menace anywhere outside of Russia, where it was planted in an hour of great misfortune under such circumstances as men had never witnessed.

Mr. KING. Mr. Marsh, of the Farmers' National Council, desires to file a brief and to make a brief statement.

Mr. GRIMKE. I have been attending the hearings, and I represent about 12,000,000 of people, and I want to know whether I am to have a hearing.

The CHAIRMAN. Just wait a moment. Mr. Marsh, we will give you five minutes.

STATEMENT OF MR. BENJAMIN C. MARSH, SECRETARY OF THE FARMERS' NATIONAL COUNCIL.

Mr. MARSH. The Farmers' National Council, may I explain, is a political union of leading farm organizations, and to carry out their reconstruction program adopted here in January, 1919, in the Farmers' National Reconstruction Conference they took this position, which has a direct bearing upon the pending legislation, in a plank entitled "Restoration of personal liberty":

The espionage law and all similar laws enacted to render America unified in the war must be repealed and abrogated at the close of the war. All acts of Congress and State legislatures restricting freedom of speech, freedom of publication, freedom of travel, and freedom of choice of residence or of occupation, and all executive acts of Presidents and of governors of States and Territories that have their foundation in war needs must be similarly repealed or terminated. We declare for general amnesty for all political prisoners.

Now, I have got to conclude within five minutes, Mr. Chairman and gentlemen of the committee, and I want to say that if we understand the position of the farmers—and there are some three-quarters of a million of farmers members of the farmers' organizations, all united to carry out this reconstruction program—they feel that no more repressive legislation but more economic justice is needed to meet the present situation. We have won the war without any such law as you contemplate enacting, and it seems a rather superlative thing, in view of that accomplishment.

You will recall that the New York World said that one of two great causes for bolshevism is the United States Congress. Now, what are you trying to do? You are trying to put through Congress a railroad bill that will increase the cost of living tremendously. You are trying to sell ships which the people subscribed for in the Liberty loans at about 50 or 60 cents on the dollar to the predatory interests.

The Attorney General admits, of course, that the packers have committed felonies, but he condones it by agreeing with them—

Mr. CURRIE. You charge that Congress is deliberately doing these things? You made that statement in Detroit, that the Congress of the United States was deliberately selling out the public, did you not?

Mr. MARSH. Not in just those words. I made a statement and the newspaper writer was intelligent enough to draw that deduction from it.

Mr. BOES. What has that got to do with the espionage bill?

Mr. MARSH. Just this: Give us economic laws, and do not play the game of the predatory interests. There is no class in America that more strongly insists upon law and order and hates violence than the American farmers. Neither do they stand for anarchy.

I have been out in the States recently of five members of this committee and have attended a conference of the farmers of the national organizations, with the Federation of Labor, together with the railroad brotherhoods, and I know I am speaking the senti-

ments of many of those States when I say that we want all crime punished, but we know that instead of more legislation of this sort, what the American people want is economic justice, and we are looking to Congress, with this enormous debt hanging over us, for economic justice.

Mr. YATES. I will have to ask to be excused if we are to continue to discuss these matters. If you want to discuss this bill I shall be glad to hear you.

Mr. MARSH. May I state again, that having read this paragraph on the restitution of personal liberty, that I believe it is the sentiment of the rank and file of the farmers, that since we have won the war without such legislation, and since we have been able to arrest criminals under the present law, we do not need such legislation.

You know, Mr. Chairman, in your own State, that the big Chamber of Commerce of Minneapolis has tried to brand the American farmers as anarchistic.

The CHAIRMAN. I hardly think that that is a fair statement to make.

Mr. MARSH. I have read this protest of the Farmers' National Council against the enactment of any of these bills dealing with sedition.

**STATEMENT OF MR. ARCHWOOD H. GRIMKE, REPRESENTING
THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF
THE COLORED PEOPLE.**

Mr. GRIMKE. Mr. Chairman and gentlemen of the committee, I think we are very much concerned in this matter, and especially in one section of the country, because the bill which you have before you, in a general way, would affect the right of free speech, the right of assembly and freedom of the press of Americans in general, and affect us peculiarly when it comes to the South. For instance, if we, the colored people of the South, attempted to advocate the enforcement of the thirteenth amendment, we know exactly what would happen down there.

We think it is an attack on the crop system, the slavery of the tenant farmers, and that it would become dangerous. If we attempted to advocate the reduction of southern representation, that person who advocated it probably would be lynched down there, and if in one of our papers we attempted to say we should have equal suffrage in the South, that would be still more dangerous. The person advocating that would be considered a person to be got rid of.

When our publications, our magazines, advocate that sort of thing, it is advocating what is considered in the South anarchy, because this is repression. The whole system is a repression of the people down there for the purpose of what they call the white man's government.

Now, what sort of education can deal with a system like that? The most feasible means we could use, never mind what the injustice is—if we react against it, we are dangerous persons in the South and must be got rid of; I would be inciting racial prejudice and racial antagonism and racial hatred and therefore I know that you are very kind in giving me this time, but I want you to remember

that, that your general laws affect generally the people all over the United States, the freedom of the press, the right of free speech, the right of assembly, and other rights, and in a peculiar way.

Should you pass that law, you would put it in the hands of the South to increase its stranglehold upon 12,000,000 of people. Are you willing to do that?

Therefore I ask you not to pass any laws that will increase that stranglehold down there, that will suppress more than exists now the right of free speech, free press, and the right of assembly.

**STATEMENT OF MR. JUDSON KING, EXECUTIVE SECRETARY,
NATIONAL POPULAR GOVERNMENT LEAGUE.**

Mr. KING. Mr. Chairman and gentlemen of the committee: I desire to speak for a few moments on the question as to whether it is wise public policy for this committee to recommend and this Congress to enact any peace-time sedition legislation whatsoever, and to state why the National Popular Government League, of which I am executive secretary, considers such laws both unnecessary and unwise.

Hearings on the Graham bill before the Rules Committee had hardly begun before it was plainly evident we were in deep water and the issue raised had to be discussed with reference to a larger issue still. I refer to the conflict now going on between progress and reaction in our own country and throughout the civilized world. Call the struggle what you will, as between capital and labor, between privilege and justice, between the masses and the classes—the essential question stirring in all men's minds is what is to be the status of private property and of labor in the days to come? And that issue at once excites the deepest passions of men.

An acute struggle is ahead of us, indeed is upon us, beyond any man's power to prevent. The old order intends to stand firm; the new order is determined to achieve. What the outcome will be I do not prophesy; nor is it in place to discuss here any proposed remedies for our industrial, economic, or social ills.

The question in this connection before the Congress is whether it will give aid and comfort to those who are determined that the conflict shall be conducted in the American fashion of free open discussion of lawful organization, of honest elections, and the execution of the will of the majority as determined at the ballot box; or whether countenance is to be given to the methods of repression urged by those hot-headed citizens who were perhaps born in this country but who haven't got over from Europe yet.

It is a question of tactics, and if we seek counsel in the experience of the past we shall find that history has some strong advice to give. It proves to the merest novice that wherever a dominant group in control of a government adopts a policy of repression, that that order of things is doomed to trouble, disaster, and extinction; as, for example, Bourbon France and Prussianized Germany. If, on the other hand, the institutions of freedom are allowed to function, even in part, natural evolution goes on, the country is saved from the horrors of revolution, and peace prevails—as, for example, England, which has had no revolution since 1688, and in which country to-day the propertied classes are preparing to make such changes in their economic system as would horrify the average American business mind.

We can have no peaceful evolution in America unless free speech and free association prevails, and free speech can not prevail if peace-time sedition and espionage laws are to be put in force.

I am well aware that every advocate of the sedition bills which have come before the committee declares his reverence for the Constitution, and asserts that his bill protects free speech and inhibits only "seditious anarchy" and the advocacy of "physical force to overthrow our Government"—a purpose which all right-minded men applaud.

Why, then, do practically all of the bills contain provisions that by easy and obvious interpretation arm the Federal courts, district attorneys, and the Department of Justice generally with powers to arrest, jail, and imprison any person voicing ideas which may be made seditious by court construction; to arrest and punish as traitors workmen on strike; to prohibit advocacy of ideas which the party in power may not like, and in general to spread a terrorism over the entire press of the United States? Gentlemen devoted to free speech must explain these surprising jokers in bills if we are to believe they are aimed exclusively against dangerous, revolutionary "reds."

I am glad to know that many members of this committee without time for close examination favored these measures at first blush without knowing what they actually contained, but are against them now. The bills, however, have gone to the country, the country has responded with a thunderous "no," and it is going to be difficult to convince the country that some indirect purpose will not lurk behind any bill the Congress may pass on this subject.

We hold the present penal code, plus the State laws, amply sufficient to care for any advocacy of the use of force and violence more powerful than a pea shooter.

But, Mr. King, comes the inevitable answer, do you believe in the advocacy of force and violence to overthrow this Government?

No; I do not. If I did I would abandon the work I am doing to secure better machinery for constitutional government, and probably side with those who are discouraged over the present deplorable situation and proclaim the futility of political action. I don't believe in murder, but I need not be accused of sympathizing with murderers if I regard any more Federal law unnecessary as against that crime.

But Mr. Palmer tells us there is danger of revolution. He says there is a hiatus in the Federal law; that while he is able to reach, under section 6 of the Penal Code, any conspiracy to advocate violent overthrow of the Government, he is unable to get the single individual acting alone who does so. Surely the Attorney General of the United States ought to know the law.

Admitted. And the reply is that the men who drafted the Federal Constitution, and who enacted the Penal Code under it, understood that "hiatus" even better than Mr. Palmer. They knew, and we know, if we stop to think twice, that the said hiatus can not be closed up and freedom of speech be preserved. Mr. Palmer has discovered nothing new.

Here is the question: How can you know by what a man merely speaks or writes that he has a treasonable "intent" to overthrow the Government of his country by force and violence?

The Kaiser, the Czar, and every autocratic penal code of Europe answer thus: Judge his words, and punish him for what you interpret his words to intend or to mean.

Washington, Hamilton, Jefferson, and all the fathers give answer in the Constitution of the United States thus: Judge the intent of his words from an overt act which he has committed and which can be proven in court.

Back of the American principle lay a thousand years of European history which the fathers had clearly in mind. We do well to recall it. Said Judge R. R. Kinkade, of Ohio, "Every letter of every word of the free-speech clause in our Constitution was bought with a barrel of human blood." The statement sounds extravagant, but it is true.

The European practice goes on the legal theory of constructive treason. As a result thousands on thousands of the best men and women of their age have been sent to the stake, the scaffold, or to rot in prison, because they had criticized their Government or had advocated some reform which learned judges interpreted to be treasonable or seditious. It was a happy and convenient method of disposing of political opponents, or radicals, or of labor agitators. The cost to civilization of that practice staggers the imagination.

So the fathers said we will have none of that tyranny in America. This is to be a Government of laws, not of men; we will leave nothing to a guessing judge or a prejudiced jury. We will punish deeds, not mere words; acts, not opinions. They recognized clearly that the danger from any law which attempts to punish words is in its administration.

The difference between these two methods marks the distinction between the Anglo-Saxon and American tradition and law and that of monarchical Europe. As to the individual advocate of sedition, the fathers drew the line at the overt act. The question has been thrashed out by every body of men or every court which has dealt with this subject since then, and every time, if true to the Constitution, there is where the line has remained.

And frankly I do not believe that Mr. Palmer, this committee, or this Congress can draft a bill that will further extend the power of the Government over mere utterances without destroying free speech in America. I should like to see the bill that would not which would be worth taking time to add to the Penal Code.

If Mr. Palmer is scared at the size of a revolution which will be able to crawl through his "hiatus" he must be a timid man indeed. He evidently forgets that he has at least 100,000,000 to help him protect a Government they love as much as he does. When two or more men act together he admits they can be scotched. And as former Assistant Attorney General Alfred Bettman said to the Committee on Rules, the danger from a single individual attempting to overthrow this Government by force and violence through mere words, when no concrete act follows, is not serious enough to cause any of us to lie awake nights.

Hence we shall oppose any legislation of this character because it is wrong in principle and unnecessary. We shall oppose it as a matter of public policy, because this is not the time to further fan the apprehension already spreading over the Nation like a prairie fire

that there is an attempt being made here in Washington to deprive the American people of their traditional liberties under the guise of heading off bolshevism. It is a time that calls for cool heads and sound judgment. We must not confuse industrial and economic unrest, due principally to the high cost of living, with revolution.

I respectfully suggest that the way to cure unrest is for the Congress to address itself to constructive legislation that will give the people a square deal. Republicans and Democrats alike must answer to the bar of public opinion and meet the public need on that issue—the folks want to know what you are going to do.

There is a voice from the grass roots which tells me that all persons in this country with incomes of less than \$5,000 are worrying vastly more over the question of how to make their income meet their expenses than they are over advocates of bolshevism from Moscow. I think I speak their mind when I say that if the Congress will do something that tends toward a more just distribution of wealth, they will take care of single advocates of force and violence who do nothing but talk, and in the last analysis it is freely admitted by the Attorney General himself that such a one is the only person against whose empty words he is asking you to legislate. And I may add my suspicion that if Mr. Palmer were not a candidate for the Presidency he would be more composed.

The CHAIRMAN. This concludes the hearing.

(Whereupon, at 1.10 o'clock p. m., the committee adjourned.)

(The compilation of United States sedition laws, and the acts passed by the individual States, and also the sedition laws in the British Empire are as follows:)

UNITED STATES LAWS RELATING TO SEDITION FROM 1789 TO 1919.

Act of July 14, 1798 (1 Stat., 596). Unlawful combination with intent to oppose any proper measures of the Government, to impede operation of any law or intimidate any officer in his duty, and any advice or counsel to such combination whether it actually succeeds or not, to be "high misdemeanor," punishable by fine of not over \$5,000 and imprisonment for not over five years. Act expired by limitation in 1801.

Act of April 23, 1800 (2 Stat., 47, Art. III), incorporated in R. S. 1624, article 8. Naval court-martial given discretion as to punishment of persons in the Navy who utter "any seditious or mutinous words."

Act of April 10, 1806 (2 Stat., 360, arts. 7, 8), incorporated in R. S. 1342, articles 22, 23, amended August 29, 1916 (39 Stat., 661, articles of war 66, 67). Persons subject to military law who "begin, incite, cause, or join in any mutiny or sedition," in any company, etc., to suffer death or other sentence of court-martial. Same punishment for any officer or soldier who "being present at any mutiny or sedition" fails to do his utmost to suppress it.

Act of June 30, 1834 (4 Stat., 731, secs. 13, 14), incorporated in R. S. 2111 and 2112; penalty of \$2,000 prescribed for sending messages, etc., to any Indian tribe, chief, or individual, with intent to produce an infraction of any treaty or law of the United States, or to disturb the peace and tranquillity of the United States; and of \$1,000 for carrying such messages, etc.

Acts of July 31, 1861 (12 Stat., 284) and April 20, 1871 (17 Stat., 13), incorporated in R. S. 5336, and in section 6 of the Criminal Code of March 4, 1909 (35 Stat., 1089). Conspiracy by two or more persons in any place subject to jurisdiction of the United States by force to overthrow the Government, oppose its authority, delay the execution of its laws, or seize its property, to be punished by fine of not over \$5,000 or imprisonment for not over six years, or both.

Act of July 17, 1862 (12 Stat., 590, sec. 2), incorporated in R. S. 5334 and in section 4 of the Criminal Code of March 4, 1909 (35 Stat., 1088). Incitement, etc., of "rebellion or insurrection against the authority of the United States"

punishable by fine of not over \$10,000 or by imprisonment for not over 10 years, or both.

Act of June 15, 1917 (40 Stat., 219, sec. 3). When the United States is at war, false reports made with intent to hinder success of the forces of the United States, or willful attempts to cause insubordination or mutiny in said forces or to obstruct recruiting and enlistment therein, to be punished by fine of \$10,000 or imprisonment for 20 years, or both.

Each of two or more conspiring to violate section 3 to be punished as therein provided, upon an overt act by any one of them.

Same (p. 230, secs. 2, 3). Every letter, etc., containing matter advocating insurrection "or forcible resistance to any law of the United States" declared nonmailable. Attempts to use mails for such matter to be punished by fine of \$5,000 or imprisonment for five years, or both.

Act of May 16, 1918 (40 Stat., 553) amending the espionage act (p. 219). Penalty prescribed for abuse of the Government during war, provoking resistance to the authorities, advocating prohibited acts, or by word or act favoring cause of enemies or opposing that of the United States.

UNITED STATES LAWS RELATING TO TREASON, SEDITION, ETC., IN FORCE APRIL 1, 1917.

Constitution, Article III, section 3: Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

Criminal Code (35 Stat., 1088 ff):

SECTION 1. Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason.

SEC. 2. Whoever is convicted of treason shall suffer death; or, at the discretion of the court, shall be imprisoned not less than five years and fined not less than ten thousand dollars, to be levied on and collected out of any or all of his property, real and personal, of which he was the owner at the time of committing such treason, any sale or conveyance to the contrary notwithstanding; and every person so convicted of treason shall, moreover, be incapable of holding any office under the United States.

SEC. 3. Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals, and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice or a particular State, is guilty of misprision of treason and shall be imprisoned not more than seven years and fined not more than one thousand dollars.

SEC. 4. Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be imprisoned not more than ten years, or fined not more than ten thousand dollars, or both; and shall, moreover, be incapable of holding any office under the United States.

SEC. 5. Every citizen of the United States, whether actually resident or abiding within the same, or in any place subject to the jurisdiction thereof, or in any foreign country, without the permission or authority of the Government, directly or indirectly, commences or carries on any verbal or written correspondence or intercourse with any foreign government or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government or of any officer or agent thereof in relation to any disputes or controversies with the United States, or to defeat the measures of the Government of the United States; and every person, being a citizen of or resident within the United States or in any place subject to the jurisdiction thereof, and not duly authorized, counsels, advises, or assists in any such correspondence with such intent, shall be fined not more than five thousand dollars and imprisoned not more than three years; but nothing in this section shall be construed to abridge the right of a citizen to apply, himself or his agent, to any

foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects.

Sec. 6. If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than five thousand dollars or imprisonment not more than six years, or both.

Sec. 7. Whoever recruits soldiers or sailors within the United States, or in any place subject to the jurisdiction thereof, to engage in armed hostility against the same, or opens within the United States, or in any place subject to the jurisdiction thereof, a recruiting station for the enlistment of such soldiers or sailors to serve in any manner in armed hostility against the United States, shall be fined not more than one thousand dollars and imprisoned not more than five years.

Sec. 8. Every person enlisted or engaged within the United States or in any place subject to the jurisdiction thereof, with intent to serve in armed hostility against the United States, shall be fined one hundred dollars and imprisoned not more than three years.

* * * * *

Sec. 21. If two or more persons in any State, Territory, or District conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, Territory, District, or place where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties, each of such persons shall be fined not more than five thousand dollars or imprisoned not more than six years, or both.

Sec. 37. If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than ten thousand dollars, or imprisoned not more than two years, or both.

* * * * *

Sec. 42. Whoever shall entice or procure, or attempt or endeavor to entice or procure, any soldier in the military service, or any seaman or other person in the naval service of the United States, or who has been recruited for such service, to desert therefrom, or shall aid any such soldier, seaman, or other person in deserting or in attempting to desert from such service; or whoever shall harbor, conceal, protect, or assist any such soldier, seaman, or other person who may have deserted from such service, knowing him to have deserted therefrom, or shall refuse to give up and deliver such soldier, seaman, or other person on the demand of any officer authorized to receive him, shall be imprisoned not more than three years and fined not more than two thousand dollars.

* * * * *

Sec. 44. [as amended March 4, 1917 (39 Stat. 1194)]. Whoever shall willfully trespass upon, injure, or destroy any of the works or property or material of any submarine mine or torpedo, or fortification or harbor-defense system owned or constructed or in process of construction by the United States, or shall willfully interfere with the operation or use of any such submarine mine, torpedo, fortification, or harbor-defense system, or shall knowingly, willfully, or wantonly violate any duly authorized and promulgated order or regulation of the President governing persons or vessels within the limits of defensive sea areas, which defensive sea areas are hereby authorized to be established by order of the President from time to time as may be necessary in his discretion for purposes of national defense, shall be punished on conviction thereof in a district or circuit court of appeals of the United States for the district or circuit in which the offense is committed, or into which

the offender is first brought, by a fine of not more than \$5,000, or by imprisonment for a term not exceeding five years, or by both, in the discretion of the court.

SEC. 45. Whoever shall go upon any military reservation, Army posts, fort, or arsenal, for any purpose prohibited by law or military regulation made in pursuance of law, or whoever shall reenter or be found within any such reservation, post, fort, or arsenal, after having been removed therefrom or ordered not to reenter by any officer or person in command or charge thereof, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both.

* * * * *

SEC. 135. Whoever corruptly, or by threats or force, or by any threatening letter or communication, shall endeavor to influence, intimidate, or impede any witness, in any court of the United States or before any United States commissioner or officer acting as such commissioner, or any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States commissioner or officer acting as such commissioner, in the discharge of his duty, or who corruptly or by threats or force, or by any threatening letter or threatening communication, shall influence, obstruct, or impede, or endeavor to influence, obstruct, or impede, the due administration of justice therein, shall be fined not more than one thousand dollars or imprisoned not more than one year, or both.

SEC. 136. If two or more persons conspire to deter by force, intimidation, or threat, any party or witness in any court of the United States, or in any examination before a United States commissioner or officer acting as such commissioner, from attending such court or examination, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or on account of his being or having been such juror, each of such persons shall be fined not more than five thousand dollars, or imprisoned not more than six years, or both.

SEC. 137. Whoever shall attempt to influence the action or decision of any grand or petit juror of any court of the United States upon any issue or matter pending before such juror, or before the jury of which he is a member, or pertaining to his duties, by writing or sending to him a letter or any communication, in print or writing, in relation to such issue or matter, shall be fined not more than one thousand dollars, or imprisoned not more than six months, or both.

* * * * *

SEC. 140. Whoever shall knowingly and willfully obstruct, resist, or oppose any officer of the United States, or other person duly authorized, in serving, or attempting to serve or execute, any meane process or warrant, or any rule or order, or any other legal or judicial writ or process of any court of the United States, or United States commissioner, or shall assault, beat, or wound any officer or other person duly authorized, knowing him to be such officer, or other person duly authorized, in serving or executing any such writ, rule, order, process, warrant, or other legal or judicial writ or process, shall be fined not more than three hundred dollars and imprisoned not more than one year.

SEC. 141. Whoever shall rescue or attempt to rescue, from the custody of any officer or person lawfully assisting him, any person arrested upon a warrant or other process issued under the provisions of any law of the United States, or shall, directly or indirectly, aid, abet, or assist any person so arrested to escape from the custody of such officer or other person, or shall harbor or conceal any person for whose arrest a warrant or process has been so issued, so as to prevent his discovery and arrest, after notice or knowledge of the fact that a warrant or process has been issued for the apprehension of such person, shall be fined not more than one thousand dollars, or imprisoned not more than six months, or both.

SEC. 142. Whoever, by force, shall set at liberty or rescue any person found guilty in any court of the United States of any capital crime, while going to execution or during execution, shall be fined not more than twenty-five thousand dollars and imprisoned not more than twenty-five years.

SEC. 143. Whoever, by force, shall set at liberty or rescue any person who, before conviction, stands committed for any capital crime; or whoever, by force, shall set at liberty or rescue any person committed for or convicted of any offense other than capital, shall be fined not more than five hundred dollars and imprisoned not more than one year.

STATE LAWS RELATING TO SEDITION, SYNDICALISM, ETC.

Alaska.—Sedition: Acts, utterances, or publications tending to excite, discontent, trouble, ill-feeling, or hostility against the United States, the President, or other officers, or the flag declared unlawful, under penalty up to \$1,000 or imprisonment for one year or both; prohibition not to extend to fair and honest criticism of the policy, orders, or action of the Government or its officers. (Laws 1917, ch. 60.)

Syndicalism: Advocacy of crime, sabotage, violence, or terrorism as means of accomplishing industrial or political change or violent overthrow of the Government punishable by fine of not more than \$5,000 or imprisonment for not more than 10 years or both. (Laws 1919, ch. 6.)

Arizona.—Sabotage: Teaching or advocacy of propriety of crime, sabotage, violation of constitutional rights, etc., as means of obtaining industrial or political ends declared felony with penalty of fine up to \$1,000 or imprisonment up to five years or both. (Laws 1918, ch. 13.)

Red flag: Display of any red, black, or other flag, banner, etc., opposed to organized government, punishable by a fine from \$100 to \$300 or imprisonment not over six months or both. (Laws 1919, ch. 11.)

California.—Syndicalism: Teaching or justification of commission of crime, sabotage, which is willful damage to property, violence, terrorism, etc., to obtain political or industrial change or control declared a felony. Penalty, imprisonment from 1 to 14 years. (Laws 1919, ch. 188.)

Red flag: Display of flag, emblem, etc., as symbol of anarchy, opposition to organized government, etc., made a felony. (Laws 1919, ch. 101.)

Connecticut.—Red flag: Display of flag, emblem, etc., to incite disorder punishable by fine of not more than \$200, or six months imprisonment or both. (Laws 1919, ch. 35.)

Sedition: Teaching, publishing, or distributing matter intended to incite disloyalty, etc., to United States Government or opposition to organized government punishable by fine of not more than \$500 or imprisonment for not more than five years or both. (Laws 1919, ch. 312.)

Delaware.—Red flag: Display of flag, emblem, etc., denoting opposition to government, for purpose of inciting subversion or destruction of government declared a high misdemeanor. Penalty, fine of not over \$2,000 or imprisonment for not over 15 years or both. (Laws 1919, ch. 231.)

Hawaii.—Syndicalism: Teaching, circulating, or justifying criminal syndicalism, crime, sabotage, violence, terrorism, etc., to accomplish industrial or political ends made a felony. (Laws 1919, act 186.)

Idaho.—Syndicalism: Advocating commission of crime, sabotage, violence, terrorism, etc., to accomplish industrial or political change made a felony punishable by not more than 10 years imprisonment or fine of not more than \$5,000 or both. (Laws 1917, ch. 145.)

Red flag: Displaying any flag, emblem, etc., indicating disloyalty to the Government of the United States, or belief in anarchy made a felony, punishable by fine of not over \$1,000 or imprisonment for not over 10 years or both. (Laws 1918, ch. 96.)

Illinois.—Syndicalism and red flag: Advocacy of overthrow of Government of the United States by unlawful means punishable by imprisonment for not more than 10 years. Permitting use of property for meetings for such purposes made a felony punishable by fine of not more than \$1,000 or imprisonment for not more than one year or both. Display or exhibition of flag, emblem, etc., indicating such purpose also made a felony. (Laws 1919, p. 420.)

Indiana.—Red flag and syndicalism: Display or exhibition of flag, emblem, etc., symbolizing purpose to overthrow Government of the United States or all government declared unlawful. Advocating such purpose in any way punishable by fine of not over \$1,000 or imprisonment for not over five years or both. (Laws 1919, ch. 125.)

Iowa.—Sedition: Advocacy of subversion or destruction of Government of the United States a misdemeanor, punishable by fine of not over \$1,000 or imprisonment for not over one year or both. (Laws 1917, ch. 372.) Syndicalism: No copy of this act available. (Laws 1919, ch. 382.) Red flag: No copy of this act available. (Laws 1919, ch. 199.)

Kansas.—Red flag: Exhibition or display of any flag, standard, etc., symbolizing bolshevism, anarchism, or radical socialism punishable by imprisonment from 18 months to 3 years. (Laws 1919, ch. 184.)

Louisiana.—Sedition: Advocacy of the subversion and destruction of Government of the United States by force punishable by imprisonment from six months to one year or fine from \$300 to \$1,000, or both. (Laws 1917, ch. 24.)

Michigan.—Syndicalism: No copy of this act available. (Laws 1919, No. 255.) Red flag: No copy of this act available. (Laws 1919, No. 104.)

Minnesota.—Syndicalism: Advocacy of crime, sabotage, violence, or terrorism to accomplish industrial or political ends punishable by imprisonment for not more than five years or fine of not more than \$1,000, or both. (Laws 1917, sec. 8596. Red flag: Display of any flag, sign, etc., antagonistic to existing Government of the United States declared a felony. (Laws 1919, ch. 46.)

Montana.—Syndicalism: Advocacy of criminal syndicalism, sabotage, violence, destruction of property, etc., to accomplish industrial or political ends, change or revolution punished by fine from \$200 to \$1,000 or imprisonment from one to five years, or both. (Laws 1918, ch. 7.) Red flag: Carrying or exhibiting flag, emblem, etc., symbolic of opposition to organized government made a misdemeanor. (Laws 1919, ch. 25.)

Nebraska.—Syndicalism: Advocacy of crime, physical violence, arson, sabotage, etc., to effect industrial or political ends, or for profit, punishable by imprisonment from one to ten years, or fine of not more than \$1,000, or both. (Laws 1919, ch. 261.) Red flag: Display of red or black flag or any sign, banner, etc., antagonistic to existing Government of the United States punishable by imprisonment for not more than five years or fine not more than \$1,000 or both. (Laws 1919, ch. 208.)

Nevada.—Syndicalism: Advocacy of crime, violence, sabotage, or terrorism to accomplish industrial or political reform, punishable by fine of not more than \$5,000 or imprisonment for not more than 10 years, or both. (Laws 1919, ch. 22.)

New Jersey.—Red flag: Display of any flag, sign, etc., for purpose of inciting, promoting, or encouraging subversion or destruction of government punishable by fine of not more than \$2,000, imprisonment for not more than 15 years, or both. (Laws 1919, ch. 78.)

Syndicalism: Inciting or advocating destruction or subversion of the Government of the United States by force punishable by imprisonment for not more than 10 years or fine not more than \$2,000, or both. (Laws 1918, ch. 44.)

New Mexico.—Red flag: Display of red flag, or other flag, banner, etc., symbolizing antagonism or opposition to organized government punishable by fine from \$25 to \$100 or imprisonment for not over 6 months, or both. (Laws 1919, ch. 33, sec. 2.)

New York.—Red flag: Display of a red flag in furtherance of any political, social, or economic principle declared a misdemeanor. (Laws 1919, ch. 409.)

Oklahoma.—Syndicalism: Advocacy of crime, physical violence, destruction of property, sabotage, or other unlawful acts to effect industrial or political ends, revolution, or for profit punishable by fine of not more than \$5,000 or imprisonment for not more than 10 years, or both. (Laws 1919, ch. 70.)

Red flag: Display of red flag or any other emblem, etc., indicating disloyalty to the United States Government, or belief in anarchy, or disruption or destruction of Government punishable by imprisonment for not more than 10 years or fine of not over \$1,000, or both. (Laws 1919, ch. 83.)

Oregon.—Syndicalism: Advocacy of crime, criminal syndicalism, sabotage, etc., to accomplish industrial or political ends, or revolution, or for profit, punishable by imprisonment from 1 to 10 years or fine of not over \$1,000, or both. (Laws 1919, ch. 12.)

Red flag: Display of red flag or any other banner, emblem, etc., symbolizing disloyalty to Government of the United States, anarchy, disruption, or destruction of Government punished by imprisonment for not more than 10 years or fine of not over \$1,000, or both. (Laws 1919, ch. 35.)

Pennsylvania.—Sedition: Inciting or advocating crime, violence, or terrorism to accomplish political or governmental change punishable by fine from \$100 to

\$10,000 or imprisonment for not over 20 years, or both. (Laws 1919, No. 275.)

South Dakota.—Syndicalism: Advocacy of crime, sabotage, violence, or terrorism, to accomplish social, economic, industrial, or political ends punishable by imprisonment from 1 to 25 years or fine from \$1,000 to \$10,000, or both. (Code 1919, sec. 3644.)

Red flag: Display of any red or black flag, or other banner or sign antagonistic to the Government of the United States punishable by imprisonment for not more than 30 days or fine of not over \$100, or both. (Laws 1919, ch. 191.)

Utah.—Syndicalism and sabotage: Advocacy of crime, criminal syndicalism, sabotage, or violence to accomplish industrial or political ends, change, or revolution punishable by imprisonment from one to five years or fine from \$200 to \$1,000, or both. (Laws 1919, ch. 127.)

Red flag: Display of any flag, banner, etc., indicating disloyalty to the Government of the United States, or belief in anarchy punishable by imprisonment from 1 to 10 years or fine of not more than \$10,000, or both. (Laws 1919, ch. 129.)

Vermont.—Red flag: Display of any flag, banner, or sign signifying opposition to organized government punishable by imprisonment for not more than six months or fine of not over \$200, or both. (Laws 1919, No. 195.)

Washington.—Syndicalism: Advocacy of crime, sedition, violence, intimidation, or injury as means of effecting industrial, economic, social, or political change declared to be a felony. (Laws 1919, ch. 174.)

Red flag: Possession or display of any flag, banner, etc., antagonistic to, or for the subversion of the Government of the United States, declared unlawful. (Laws 1919, ch. 181.)

West Virginia.—Syndicalism and red flag: Advocacy of crime, violence, or terrorism to accomplish economic or political change or overthrow of organized society, or display of any flag antagonistic to the Government of the United States, punishable by fine from \$100 to \$500 or imprisonment for not more than one year, or both. (Laws 1919, ch. 24.)

Wisconsin.—Red flag: Display of any flag, emblem, etc., symbolizing a purpose to overthrow the Government of the United States by violence punishable by fine from \$10 to \$100 and imprisonment for not over 30 days. (Laws 1919, ch. 369.)

Wyoming.—Syndicalism: Advocacy of crime as a means of accomplishing political or industrial change punishable by fine not more than \$5,000 or imprisonment for not over five years, or both. (Laws 1919, ch. 76.)

THE LAW OF SEDITION IN THE BRITISH EMPIRE.

[F. M. Anderson, Jan. 9, 1920.]

GREAT BRITAIN.

Introduction.—Sedition, under one name or another, has been regarded by English jurisprudence as illegal since very early times. During the war against the Central Empires, however, because of the excessive drawing on the man power of England and the endeavor of residents with alien sympathies or certain religious convictions to do all in their power to hinder recruiting, oppose conscription, and spread disaffection throughout the realm, sedition became of exceeding importance.

PART I.—War legislation.

(A) DEFENSE OF THE REALM ACT.

The beginning of the war presented new problems to the British people. The prevalence of propaganda of one kind and another, the presence of alien enemies, and the exigencies arising from the vicissitudes of the war stirred the English people to the enactment of measures of unusual scope and severity. The defense of the realm regulations were issued from time to time, consisting of acts aimed against such conditions as seemed to militate against the successful prosecution of the war.

1. *Offense and punishment.*—Regulation 27 of the defense of the realm regulations was directed against publication either in speech or writing of any

Ideas tending to interfere with recruiting or to spread disaffection or to interfere with the land or sea forces.

Regulations 56, (a) 57, and 58 describe the punishments for violation of any of the defense of the realm regulations as penal servitude for life or a lesser period; for a person convicted in a court of summary jurisdiction, the penalty is imprisonment at hard labor for a term not exceeding six months, or a fine not exceeding 100 pounds and forfeiture of any goods in respect of which the act has been committed.

2. *Arrests under the act.*—The number of cases under regulation 27 is not ascertainable, but is undoubtedly large, since many cases have been referred to in Parliament in questions addressed to the ministers. The following cases are typical:

(a) Examples:

A man named Bailey, who wrote a paper inveighing against militarism, was sentenced to three months in prison.¹

Words spoken against recruiting in a railway carriage at Blackpool resulted in the imposition of a fine of £100.² A labor leader was convicted for agitating against the war.³ In Ireland Scan Kilroy and Sheehy-Skeffington were apprehended under regulation 27 as interfering with recruiting and imprisoned.⁴ Various newspapers were repressed.⁵

(B) PARLIAMENTARY DISCUSSION.

Such cases as the above often precipitated debates in Parliament. The course of these debates showed the struggle between the desire of Parliament to protect the right of free speech and a free press and its desire to protect the Government against the consequence of seditious expressions in speech or writing which might affect adversely the prosecution of the war.

On the 23d of March, 1916, a spirited debate took place in the House of Commons involving the defense of the realm act. A special point was made of the operation of regulation 27.

On the same occasion Mr. Lloyd-George made a definite statement of the Government's position in regard to speeches calculated to hamper the prosecution of the war.⁶

"We had information from a very reliable source that Mr. Bertrand Russell was about to engage in the delivery of a series of lectures which would interfere very seriously with the manning of the army.

"I do not in the least care what the lectures are called, but they undoubtedly interfere with the prosecution of the war in this country, and lead to weakness, inefficiency, and, if tolerated, would hamper us in the prosecution of the war. It would be unpardonable weakness on our part if we allowed it."

(C.) PROPOSED WITHDRAWAL OF REGULATION 27.

It has been proposed to do away with much of the emergency legislation which arose during the war as soon as possible.⁷ In the scheme presented in the war emergency laws (continuance) bill, all the parts of regulation 27 that have to do with sedition are to be dropped.⁸

This bill came for its second reading on October 28, 1919.⁹ The attorney general remarked:

"As the House is aware, during the war it was found necessary from time to time to pass special acts of Parliament, and also, under the defense of the realm act, to frame special regulations in order to deal with the conditions which the war brought about or brought to light, and it became clear some time ago that even after the termination of the war it would be necessary to continue some, at any rate, of those enactments and those regulations. But, if I may say so, I entirely agree in advance with the opinion, which I feel sure will be expressed, that the amount of that special legislation which is continued should be the minimum, and that no legislation or regulation of that kind should be continued merely upon the ground that in the opinion of a particular department, it might be found convenient."

¹ H. of C. Deb., vol. 75, p. 1994.

² H. of C. Deb., vol. 75, p. 810.

³ H. of C. Deb., vol. 72, p. 1455.

⁴ H. of C. Deb., vol. 72, p. 178.

⁵ H. of C. Deb., vol. 72, pp. 242, 530.

⁶ H. of C. Deb., vol. 86, pp. 539, 540.

⁷ H. of C. Deb., vol. 120, p. 317.

⁸ H. of C. Deb., vol. 120, No. 124, p. 317.

⁹ H. of C. Deb., vol. 120, No. 124, p. 367.

After taking up various statutory enactments he discussed regulation 27.¹

"I come now to the defense of the realm regulations mentioned in the first column of the third schedule and what is proposed in regard to them. There are certain regulations which it is proposed should be extended for a certain period, but I am sure the House will observe this, that the period which is so mentioned is the maximum period; it is not a period during which all the regulations which are retained must remain in force. It is a period for which at the most they may remain in force, subject to the power of revocation. That power is contained in the words of the subsection (1) of clause (3), which says:

"*Provided*, That it shall be lawful for His Majesty in council to revoke in whole or in part any of the regulations so continued as soon as it appears to him that consistently with the national interest any regulation can be so revoked."

"It is important that the House realizes that is not proposed that the period named in the schedule should be the period for which, in any event and in any circumstances, those regulations shall be continued, but a period for which they may be continued subject to the power of revocation at any time. In regard to these regulations let me say at once that at the later date which we have now reached we propose to omit—I will mention them seriatim in a moment—the regulations which provide for the billeting of soldiers and airmen on civilians, the regulations relating to passports, the regulations giving the power to remove persons considered by the authorities undesirable from the areas where there are troops. In referring to that I may also refer to the regulations committing without trial, persons suspected of doing something or about to do something dangerous to the public safety, and the regulations imposing penalties for spreading reports considered prejudicial to recruiting and likely to cause disaffection, and other regulations."

Mr. Arthur Henderson in the course of the debate on the bill expresses satisfaction at the deletion of the greater part of regulation 27, as follows:²

"I must say I express my great satisfaction to the Attorney General for having deleted several of the provisos under regulation 27. Some of us know something about the dangers to which we have been exposed by any mistaken step or any step that one might have innocently taken and which might have landed us into difficulties under some parts of regulation 27. But, as I understand the position, there is one part of regulation 27 which still remains." * * *

He went on to take up the one subsection that remains, that relating to aspersions cast on any bank or currency notes which are legal tender in the United Kingdom. The removal of the regulations effects only the United Kingdom. The Attorney General announced as follows:³

The secretary of state for the home department, Mr. Herbert Samuel, set out the position of the Government in regard to conscientious objectors and their acts, as follows:

"As I have said before, I can imagine an individual of deep religious convictions considering in an earnest spirit what his duty is in this crisis. I can imagine his saying, 'I know that my country is engaged in a life-and-death struggle. I know she is calling upon her manhood to fight for her. I know that the most fundamental principles of human welfare are at stake in this war, but, on the other hand, I am a man who all my life has held deep convictions against warfare, and against the taking of human life.' I can imagine a man with agony of mind and much travail of soul being in this dilemma, not knowing on which the balance should lie, and saying at last, 'I can not undertake military service.' That man I can respect, but I can not understand the mind of a man who by speech and by pamphlet and leaflet, by meetings and by conference, tries to stir up individuals to withdraw their service from the State, and to create and organize by all the methods of political propaganda a large body of recalcitrants. If all the nation had taken that course, and responded to such appeals, where would be our cause and the cause of the Allies now? When this propaganda oversteps the bounds of the law, I hold the view that the Government would be weakly abandoning its primary duty to Parliament and to the country if it failed to take action. Consequently proceedings have been taken in the courts, and seizures have been made of propagandist material. I found that when I came to the

¹ H. of C. Deb., vol. 120, No. 124, pp. 319-320.

² H. of C. Deb., vol. 120, No. 124, p. 367.

³ H. of C. Deb., vol. 120, No. 124, p. 324.

home office that in some cases where leaflets had been taken into court and the publishers prosecuted and condemned, and the leaflets seized in order to be destroyed, that the same leaflets were being freely distributed throughout the country. In many cases, and there was no regular uniform procedure for stopping that. It seemed to me absurd, when a leaflet had been condemned by a court in London, that its circulation should be permitted elsewhere. I issued a circular, therefore, on the 12th of April, to the police, giving them a list of leaflets which had been condemned by the courts, and asking them to take action to prevent their further circulation. On May 24 I sent out a supplementary list, and on June 14 a third list. But the local police forces are not under the control of the home secretary. He is the police authority for London, and the metropolitan police are under his orders, but the police elsewhere are under the control and act on the instructions of the local authorities."

In another debate the same official thus stated the Government's position as regards recruiting and the military service act:

"The attitude the Government took up with respect to that matter when the military service act came into operation was explained by me to the House on more than one occasion. We did not quarrel with the action of anyone who assisted conscientious objectors in claiming the rights that were granted them by Parliament under a section of the military service act. We did not quarrel with anyone who complained of unfair treatment being meted out to individual conscientious objectors. There was no prosecutions of any kind for any reason of that sort. But we did quarrel with, and we did prosecute, persons who were engaged in a campaign really directed at the manufacture of new conscientious objectors. While the nation as a whole was engaged in a propaganda for the recruiting of soldiers there were certain individuals who were engaged in a campaign for the recruiting of objectors, and those two were incompatible with one another. The distributors of this leaflet were prosecuted because the leaflet fell clearly within that class of propaganda, and several of them were convicted and were penalized. Then Mr. Bertrand Russell wrote a letter to the Times in which he stated very frankly and honorably that he himself was the author of that leaflet. Obviously and necessarily a prosecution had to take place."

PART III.—*Prior to the war.*

(A) ITS ORIGIN.

The term "sedition" is so intermingled in English jurisprudence with the terms treason, libel, and mutiny, that a clear conception is gained only by tracing its development.

1. *Statute law*—

(a) *Treason*.—Sedition is in reality a derivative of treason in that it seeks or threatens the overthrow of established government. "The distinction between sedition and treason consists in this: That though the ultimate object of sedition is a violation of the public peace, or at least such a course of measures as evidently engenders it, yet it does not aim at direct and open violence against the laws or the subversion of the Constitution."¹ It should be noted that the offense is committed if the acts or words tend to produce the result. Nevertheless sedition is considered as a quality of treason in English law.

The first statute against treason² only specifies the compassing or imagining the deaths of the king or members of his family, or the slaying of his ministers as constituting the offense. But such is the interpretation of the words "compass" and "imagine" that one Williams, barrister, was indicted and executed for high treason for writing a seditious book in the reign of James I.³

"May I add one final observation? I have spoken of omissions with regard to these regulations. In doing so I have been speaking of Great Britain and I have not been speaking of Ireland. I understand from those who are immediately responsible for the administration of Ireland that as matters stand they do not at present see

¹ Allison, Criminal Law, p. 580.

² 25 Edw. 3 st. 5, c. 2.

³ Holt's Law of Libel (1818), p. 97, 2 Roll. Rep., fols. 88, 89, 90.

their way to diminish the scope of what the bill originally asks. Therefore, I hope right honorable and honorable members will understand that so far as the regulations are concerned the omissions which I have enumerated refer to Great Britain and to Great Britain alone."

(D.) RETURN TO LAW EXISTING PRIOR TO THE WAR.

The bill just referred to passed to its second reading by a vote of 233 ayes and 63 noes. This would appear to indicate that its final passage is probable. If the measure is enacted, the law of sedition in Great Britain will again be what it was prior to the war. A statement of the earlier law of sedition therefore becomes necessary.

(b) *Libel and slander*.—Thus out of the idea of treason developed the idea of slander and libel of treasonable nature. For "all libels, therefore, which tend to degrade and villify the constitution, to promote insurrection, and circulate discontent through its members—to asperse its justice, and anyway impair the exercise of its functions all such writings are termed seditious libels, and are visited with the peculiar rigour of the law."¹

Slander was first noted by the Statute of 3 Edward I, 34. Slander and libel are specifically set out in the treason act of 1795,² as follows:

"If any person or persons * * * shall, within the realm or without, compass, invent, devise, or intend death or destruction, or any bodily harm tending to death or destruction, maim or wounding, imprisonment or restraint, of the person of the same our sovereign lord the king, his heirs and successors, and such compassings and imaginations, inventions, devices or intentions, or any of them, shall express, utter, or declare by publishing any printing or writing, or by any overt act or deed; being legally convicted thereof, upon the oaths of two lawful and credible witnesses, upon trial or otherwise convicted or attainted by due course of law, then every such person and persons, so as aforesaid offending, shall be deemed, declared, and adjudged to be a traitor and traitors, and shall suffer pains of death, and also lose and forfeit as in cases of high treason."

In 1797 this provision was extended by "The incitement to mutiny act"³ to attempts to seduce soldiers and sailors. "The treason act of 1817"⁴ made the provision of the treason act of 1795 perpetual. Other acts defined seditious words.⁵

This law stood until the passage of "the treason felony act, 1848,"⁶ which is the statute law in England to-day, and provides as follows:

"And be it enacted, That if any person whatsoever, after the passing of this act, shall, within the United Kingdom or without, compass, imagine, invent, devise, or intend to deprive or depose our most gracious lady, the Queen, her heirs or successors, from the style, honor, or royal name of the imperial crown of the United Kingdom, or of any other of Her Majesty's dominions and countries, or to levy war against Her Majesty, her heirs and successors, within any part of the United Kingdom, in order by force or constraint to compel her or them to change her or their measures or counsels, or in order to put any force or constraint upon, or in order to intimidate or overawe both houses or either house of Parliament, or to move or stir any foreigners or stranger with force to invade the United Kingdom or any other of Her Majesty's dominions or countries under the obedience of Her Majesty, her heirs or successors, and such compassings, imaginations, inventions, devices, or intentions, or any of them, shall express, utter, or declare, by publishing any printing or writing, or by open and advised speaking, or by any overt act or deed, every person so offending shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of his or their natural life, or for any term not less than seven years, or to be imprisoned for any term not exceeding two years, with or without hard labor, as the court shall direct."

¹ Holt's Law of Libel (1818), p. 96.

² 36 Geo. 3, c. 7.

³ 37 Geo. 3, c. 70.

⁴ 57 Geo. 3, c. 6.

⁵ 60 Geo. III and 1 Geo. IV, c. 8.

⁶ 11 Vict., c. 12.

(c) *Sedition*.—In Scotland the particular offense here considered has, ever since the trials of 1793 and 1794, been called *sedition*.

"It may be doubted that even the word 'sedition' was known anciently as a legal term in our law, at least in its present sense. But carrying the absence of trials for sedition no farther back than 1703, then the fact is that during the 90 years between that period and 1793 our law of sedition had not been ripened by a single judicial case.

"In 1793 the memorable cases which arose out of the French Revolution began. These continued, but at considerable intervals, till 1802, and all the important ones were over in 1794.

"* * * It is only the offense as against the public, though this offense may be committed by libeling individual public officers as such, that is dealt with as sedition by the law of Scotland. To denote this public crime, our law generally employs, and always should employ, the simple term 'sedition.' The law of England (as I understand) does not take this word as a *nomen juris* by itself, but considers seditiousness as only a quality of some other offense. But this difference of expression makes no substantial difference on the thing itself. In one form or another, the law of both countries recognizes seditiousness as criminal.¹

2. *Common law*.—The common law on the subject is voluminous, but it seems to have been simplified and succinctly expressed in two cases (Reg. v. Sullivan,² and Reg. v. Burns).³ These two cases have been recognized as the leading cases on the subject, and are referred to in almost every instance where a definite explanation of the offense is attempted.

"For a complete exposition of the law, however, recourse must be had to the two leading cases, and to the celebrated charges, delivered respectively by Lord Fitzgerald and Justice Cave. The former was a trial for 'seditious libel,' and the latter for uttering 'seditious words.'

"In the first of these cases the defendants Sullivan and Pigett were in the year 1868, indicted for printing and publishing seditious libels upon Her Majesty's Government in their newspapers—the Weekly News and the Irishman.

"Lord Fitzgerald, in addressing the grand jury for the county of Dublin, said: "I have now to direct your attention to two cases of great public importance, in which the attorney general prosecuted the publishers of two weekly newspapers for a series of printed articles alleged to be seditious libels of a very dangerous character. As such prosecutions are unusual, I think it necessary, in the first instance to define sedition, and point out what is a seditious libel. Sedition is a crime against society, nearly allied to that of treason and it frequently precedes treason by a short interval. Sedition in itself is a comprehensive term and it embraces all those practices, whether by word, deed, or writing, which are calculated to disturb the tranquillity of the State, and lead ignorant persons to endeavor to subvert the Government and the laws of the Empire. The objects of sedition are generally to induce discontent and insurrection, and to stir up opposition to the Government, and bring the administration of justice into contempt; and the very tendency of sedition is to incite the people to insurrection and rebellion. Sedition has been described as disloyalty in action, and the law considers as sedition all those practices which have for their object to excite discontent or dissatisfaction, to create public disturbance, or to lead to civil war, to bring into hatred or contempt the sovereign of the Government the laws or constitution of the realm and generally all endeavors to promote public disorder.'

"Having thus defined the character of the offense, the learned judge continued: 'It is scarcely necessary to point out that to accomplish treasonable purposes and to delude the weak, the unwary, and the ignorant, no means can be more effectual than a seditious press. With such machinery the preachers of sedition can sow widecast those poisonous doctrines, which if unchecked, culminate in insurrection and revolution. Lord Mansfield likened a seditious and licentious press to Pandora's box—the source of every evil.'

In his charge to the jury in the case of Reg v. Sullivan,² Lord Fitzgerald says:

"The man who criticizes the conduct of the Government, ought not to impute improper methods, and though he may point out that there is bad adminis-

¹ Cockburn, Exam. of Trials for Sedition in Scotland, pp. 1, 2, 3, 4.

² 11 Cox, 44.

³ 16 Cox, 355.

tration of justice, yet he should not use language that would indicate contempt of the laws of the land. When a public writer exceeds his limit and uses his privilege to create discontent and dissatisfaction he becomes guilty of what the law calls sedition."

"If the article," he added, "had simply been a free discussion of these questions, or of the acts of the Government, this prosecution would never have taken place. But the attorney general says that the bounds of criticism have been passed.

"To constitute crime, the criminal intent and the criminal act should concur. But every person must prima facie be taken to intend the natural consequences of his own acts. You can not dive into the intentions of a man's heart, save so far as they are indicated by his acts and their natural consequences. This rule may at times operate harshly, but public policy requires that it should be put into force."

The learned editors of Russell on Crimes have made the assertion that "the present view of the law is best stated in *Reg v. Burns* (16 Cox, 355)."

The case of Burns was for unlawfully and maliciously uttering seditious words of and concerning Her Majesty's Government with intent to incite riot and with intent to stir up ill will between Her Majesty's subjects.

It was not suggested by the Crown "that the defendants desired the disturbance to take place, or that they directly incited the crowd to cause these disturbances," but that they "must have been aware of, and were answerable for, the natural results of the language they used."

Justice Cave, in charging the jury, said: "It is now my duty to explain to you the rules of the law which ought to govern you in considering this case, and also to summarize shortly for your benefit the evidence which has been given, so that you may have the less difficulty in applying the principles of the law to that evidence. There is undoubtedly no question at all of the right of meeting in public, and the right of free discussion is also perfectly unlimited, with the exception, of course, that it must not be used for the purpose of inciting to a breach of the peace or to a violation of the law.

"The law upon the question of what is seditious and what is not, is to be found stated very clearly in a book by a learned judge, who has undoubtedly a greater knowledge of the criminal law than any other judge who sits upon the bench, and what he has said upon the subject of sedition was submitted to the other learned judges, who some time back were engaged with him in drafting a criminal code, and upon their report the commissioners say that his statement of the law appears to them to be stated accurately as it exists at present. So that the statement has not only the authority of Stephen, J., but also the authority of the very learned judges who were associated with him in preparing the criminal code. This is what he says on seditious words and libels: 'Every one commits a misdemeanor who publishes verbally or otherwise any words, or any document, with a seditious intention. If the matter so published consists of words spoken the offense is called the speaking of seditious words. That is what we have to do with to-day. If the matter so published is contained in anything capable of being a libel, the offense is called the publication of a seditious libel.'"

* * * "Any intention to excite ill will and hostility between different classes of His Majesty's subjects may be a seditious intention; whether in a particular case this is a seditious intention or not you must judge and decide in your own mind, taking into consideration the whole of the circumstances of the case."

I must, however, notwithstanding what I have said upon one subject, go on to tell you that is not at all necessary to the offense of uttering seditious words that an actual riot should follow; that there should be an actual disturbance of the public peace; it is the uttering with the intent which is the offense, not the consequences which follow, and which have really nothing to do with the offense. A man can not escape from the consequences of uttering words with intent to excite people to violence solely because the persons to whom they are addressed may be too wise or too temperate to be seduced into that violence.

When people do go to a meeting there are circumstances under which a man may be responsible not only for what he says but also for what some one else

¹ Russell on Crimes, p. 302.

² Donogh, the History and Laws of Sedition, pp. 22, 23.

³ Donogh, the History and Laws of Sedition, p. 28.

says. Stephen, J., says: "If at a meeting unlawfully convened seditious words are spoken of such a nature as are likely to produce a breach of the peace, that meeting may become unlawful, and all those who speak the words undoubtedly are guilty of uttering seditious words, and those who do anything to help those who speak to produce upon the hearers the natural effect of the words spoken."

It should be understood that in these cases where the judges use the word "government" they do not mean any particular set of ministers, but the political system settled by the constitution, or the general order and discipline of the country.

3. Differentiation of "freedom of speech" and "sedition"—

(a) *That which is wrong in itself is crime.*—Any act which a people considers wrong in itself may be a crime and punishable as such. But sedition arises from something that far from being wrong in itself is one of the most cherished rights of the English-speaking peoples. Yet this same right if carried beyond certain boundaries has been considered a serious offense.

(b) *Right to expression in the press or by speech.*—Lord Fitzgerald, in the case of *Reg. v. Sullivan*,¹ enunciates a very clear expression of the Anglo-Saxon idea.

"With respect to the question of the freedom of the press, I feel bound to say a few words. Since 1692 there was a complete liberty of the press in Great Britain and Ireland. By liberty of the press I mean complete freedom to write and publish without censorship and without restriction, save such as was absolutely necessary for the preservation of society. Our civil liberty is largely due to a free press, which is the principal safeguard of a free state, and the very foundation of a wholesome public opinion. Every man is free to write as he thinks fit, but he is responsible to the law for what he writes; he is not, under the pretense of freedom, to invade the rights of the community, or to violate the constitution, or to promote insurrection, or to bring justice into contempt or embarrass its functions. Political or party writing when confined within proper and lawful limits, is not only justifiable, but is protected for the public good, and such writings are to be regarded in a free and liberal spirit. A writer may criticize or censure the conduct of the servants of the crown or the acts of the government—he can do it freely and liberally—but it must be without malignity, and not imputing corrupt or malicious motives. With the same motives a writer may freely criticize the proceedings of courts of justice and of individual judges—nay he is invited to do so in a free and fair and liberal spirit. The law does not seek to put any narrow construction on the expressions used, and only interferes when plainly and deliberately the limits are passed of frank and candid discussion."

Thomas Erskine, the great barrister, in his defense of Thomas Paine, indicted for seditious libel, expresses this idea in his usual excellent manner:

"The proposition which I mean to maintain is the basis of the liberty of the press, and without which it is an empty sound, is this: That every man, not intending to mislead, but seeking to enlighten others with what his own reason and conscience, however erroneously, have dictated to him as truth, may address himself to the universal reason of a whole nation, either upon the subject of governments in general, or upon that of our own particular country—that he may analyze the principles of its constitution—point out its errors and defects—examine and publish its corruptions, warn his fellow citizens against their ruinous consequences—and exert his whole faculties in pointing out the most advantageous changes in establishments which he considers to be radically defective, or sliding from their object by abuse. All this every subject of the country has a right to do, if he contemplates only what he thinks would be for its advantage, and but seeks to change the public mind by the convictions which flow from reasonings dictated by conscience.

"If, indeed, he writes what he does not think—if, contemplating the misery of others, he wickedly condemns what his own understanding approves—or even admitting his real disgust against the government or its corruptions, if he calumniated living magistrates, or holds out to individuals that they have a right to run before the public mind in their conduct—that they may oppose by contumacy or force what private reason only disapproves—that they may disobey the law because their judgment condemns it—or resist the public will,

¹ 11 Cox, 44.

² Cf. Hall, *Hist. of England*, Vol. II, p. 876.

because they honestly wish to change it—he is then a criminal upon every principle of English justice, because such a person seeks to disunite individuals from their duty to the whole, and excites to overt acts of misconduct in a part of the community, instead of endeavoring to change, by the impulse of reason, that universal assent which, in this and every country, constitutes the law for all.”¹

(c) *What is not sedition.*—An intention to show that Her Majesty has been misled or mistaken in her measures, or to point out errors or defects in the Government or constitution as by law established, with a view to their reformation, or to excite Her Majesty's subjects to attempt by lawful means the alteration of any matter in church or state by law established, or to point out, in order to their removal, matters which are producing, or have a tendency to produce, feelings of hatred or ill will between classes of Her Majesty's subjects, is not a seditious intention.²

4. The definition of sedition:

Sedition consists in acts, words, or writings, intended or calculated, under the circumstances of the time, to disturb the tranquillity of the state, by creating ill will, discontent, disaffection, hatred or contempt, toward the person of the King, or toward the constitution or parliament, or the government, or the established institutions of the country, or by exciting ill will between different classes of the King's subjects, or encouraging any class of them to endeavor to disobey, defy, or subvert the laws or resist their execution, or to create tumults or riots or to do any act of violence or outrage, or endangering the public peace.³

(B). IT'S APPLICATION.

1. *Laws of Great Britain.*—A review of the statutes of Great Britain discloses the fact that the treason felony act of 1848⁴ is the law under which an action for sedition would be brought to-day. It is apparent then that at the present time in England sedition is still looked upon as a quality of treason and punished as such.

Trials for sedition are of infrequent occurrence in Great Britain. Justice Coleridge, in the central criminal court in London, in 1909 makes this remark in his charge to the jury: “It is quite true, as the defendant has put before you, that a prosecution for seditious libel is somewhat of a rarity. It is a weapon that is not often taken down from the armory in which it hangs * * *.”⁵

There are only a few cases of sedition or seditious libel since the passage of the treason felony act. A short review of the most important of them will show the spirit of the law as it exists in Great Britain to-day.

In August 1848 an indictment was found against a Robert Crowe, a laborer. The indictment set forth that the defendant was maliciously and seditiously contriving to disturb the peace of our lady the Queen and her liege subjects, and of the Government by law established.⁶

In *Regine v. Tussell*,⁷ a charge was founded on the words:

“If John Mitchell is sent out of his county, every Irishman must rise and resent the insult, or you will no longer be worthy of the name. If the Queen neglects to recognize the people, then the people must neglect to recognize the Queen. The Government is not worthy the support of any honest man; it is too contemptible to be recognized, and you must use your best efforts to overthrow it. And now I wish to impress upon you, there is one safe way of getting rid of rulers (or bad rulers).”

The next case referred to here was tried in 1883. One William O'Brien was accused of publishing—

“A false, malicious, and seditious libel contained in a (newspaper) article entitled ‘Accusing Spirits,’ for the purpose and with the intent of bringing the Government of the country and the administration of the laws into hatred

¹ Howell's State Trials, Vol. XXII, p. 414.

² Donogh, Hist. and Law of Sedition, p. 11.

³ Donogh, Hist. and Law of Sedition, pp. 11–12. Cf. Russell on Crimes. Cf. Stephens Digest of Criminal Law (of England). For a very exhaustive and thorough treatment of sedition, the reader is referred to Ch. XIX of Odger's Libel and Slander.

⁴ Supra.

⁵ Rex v. Alfred, J. P. Reports, vol. 74, p. 56.

⁶ In re Crowe, 3 Cox, c. c. p. 123, 124.

⁷ 3 Cox, Criminal Cases, p. 291 et seq.

and contempt, and in order to incite hostility against the same, and for the further purpose of disturbing the peace of the country and raising discontent and disaffection among the Queen's subjects."¹

Lord Chief Justice May in his opinion differentiated between pleas of justification as applied to libel and treason or libels of a seditious nature akin to treason.

"I think that this application ought to be refused. The law on the subject is clear. Prior to Lord Campbell's act (6 and 7 Vict., c. 99), in a civil action for libel, it was competent for the defendant to aver the truth of the matter alleged, and the plaintiff it was held could not recover damages in respect of charges brought against him, the truth of which was established. In the case of criminal proceedings for libel the law was otherwise; upon a trial in a criminal court proof of the truth of the libel formed no defense; on the contrary it was said the greater the truth the greater the libel. The act of 6 and 7 Vict., c. 96 (commonly called Lord Campbell's act), was passed, and provided that, subject to certain conditions it should be competent for a traverser prosecuted for defamatory libel by way of defense to establish, first, that the matter charged was true; and second, that it was for the public benefit that it should be published. In the case of *Reg. v. Duffy* (9 Tr. Rep., 329), decided in the year 1846, this court, then consisting of very eminent judges, Blackburne, L. C. J., Burton, Crampton, and Perrin, J. J., unanimously came to the conclusion that Lord Campbell's act had no application to seditious libels, but to defamatory libels on private persons only."

He further on states that this decision is binding on the court.

The case of the *Queen v. McHugh*,² 1901, is of interest as showing the view taken of seditious libels which attack the courts or the juries. This case covers the subject so thoroughly and from such important viewpoints that the opinion of Lord Chief Justice O'Brien in this case is quoted extensively:

"Have we, then, in this case, in substance, the essential elements (578) of a seditious libel? No doubt the words complained of are defamatory, but have we in the averments what is equivalent to the allegation of a seditious intent? This brings me to the consideration of what is the legal definition of a seditious intent. An intention, then, to bring into hatred or contempt the administration of the law falls within the definition of seditious intent. This being so, I turn to the information to ascertain whether what constitutes a seditious intent is sufficiently alleged therein. I find that it is alleged 'That Patrick A. McHugh, wickedly and maliciously contriving and intending to bring the administration of justice in this Kingdom into contempt,' did publish the libel complained of. This is the intent alleged against the defendant and it is one of the intents which make libelous matter seditious. I am therefore of the opinion that what is complained of is a seditious libel. It was argued that, having regard to the averments in the information, a verdict might be obtainable against the accused for a libel against Mr. Justice Andrews personally, or for a libel upon the jurors personally, irrespective altogether of any seditious intent. Even if this were so, the plea would still be bad, because it purports to extend to the first and third counts in their entirety; and they clearly, in so many words, complain of an intent to bring the administration of the law into hatred and contempt—which is clearly seditious. But I deny that the libel can be regarded as anything but a seditious libel in relation to Mr. Justice Andrews and the jury. Mr. Justice Andrews, if attacked at all by this libel—and this will be for the jury to determine—was attacked not in his personal and private capacity, but as the judge who (579) presided at the trial under Her Majesty's commission. If he was attacked at all, he was attacked in relation to the judicial character with which he was clothed by Her Majesty's commission, and in relation to those functions which he was bound under the sanction of his oath to discharge without fear, favor, or affection. The jury was certainly attacked in relation to their action as jurors when empaneled upon their oaths to render a true verdict between the prisoners and the Crown. The libel in the first count of information alleges that the trial was a mockery of justice. The article complained of in the third count says that the defendants were the victims of a cruel wrong perpetrated in the name of justice. Is this a mere personal attack? Most certainly not; and the fact that it is not would be sufficient, according to the case of the

¹ Extracts O'Brien, 15 Cox, c. c. p. 181.

² The *Queen v. McHugh*, 2 I. R. 574 et seq. Cf. Odger's Law of Libel and Slander, pp. 511-528.

Queen v. Duffy (9 L. R. Ir., 329), to show that it was not within the scope of Lord Campbell's act."

In a later case, *Rex v. Aldred*, 1910, the condition of public feeling at the time of the commitment of the offense and the place where committed are considered as an important factor. Justice Coleridge in his charge to the jury remarks: "You are entitled also to take into account the state of public feeling. Of course, there are times when a spark will cause a great conflagration; the effect of the language would be very different at one time from what it would be at another. You are also entitled to take in account the place and the mode of publication."

Further on in the case he sets out very clearly how far in the criticism of government a man may go and beyond what limit he may not go without being guilty of sedition.¹

"A man may lawfully express his opinion on any public matter, however distasteful, however repugnant, to others if, of course, he avoids defamatory matter, or if he avoids anything that can be characterized either as a blasphemous or as an obscene libel. Matters of state, matters of policy, matters even of morals—all of these are open to him. He may state his opinion freely, he may buttress it by argument, he may try to persuade others to share his views. Courts and juries are not the judges in such matters. For instance, if he thinks that either a despotism, or an oligarchy, or a republic, or even no government at all is the best way of conducting human affairs, he is at perfect liberty to say so. He may assail politicians, he may attack governments, he may warn the Executive of the day against taking a particular course, or he may remonstrate with the Executive of the day for not taking a particular course; he may seek to show that rebellions, insurrections, outrages, assassinations, and such like, are the natural, the deplorable, the inevitable outcome of the policy which he is combatting. All that is allowed, because all that is innocuous; but, on the other hand, if he makes use of language calculated to advocate or to incite others to public disorders, to wit, rebellions, insurrections, assassinations, outrages, or any physical force or violence of any kind, then, whatever his motives, whatever his intentions, there would be evidence on which a jury might, on which, I think, a jury ought, and on which a jury would decide that he was guilty of a seditious publication."

OVERSEAS DOMINIONS.

The leading English cases, above cited, on common-law sedition, are the ruling cases for the British Dominions as well, except in so far as the law has been altered by statute. Antislavery statutes vary somewhat in scope and stringency in the different British Dominions.

(a.) India.

1. *Origin of legislation.*—The origin of legislation preventive of sedition may be said to have been in the year 1823. This legislation was enacted in consequence of the expression of Sir Thomas Munro's views under the title "Danger of a Free Press in India." Sir Thomas Munro was, at the time of writing this, governor of Madras. It was not known until 1837 that as one of the clauses of Macaulay's draft penal code an effective law concerning all of India was drawn. This draft of the penal code never saw the light until 1860, and at that time, for some unaccountable reason, the sedition clause had been omitted.

2. *Criminal code.*—Ten years later, in 1870, Sir James Fitzjames Stephen,² in introducing a bill for sedition, remarked that this provision had been omitted from the penal code as ultimately passed. This bill became act 27 of 1870, an act to amend the Indian Penal Code. The provisions of this act appear in the penal code as section 124A and reads as follows:

"Whoever by words, either spoken or intended to be read, or by signs, or by visible representation or otherwise, excites or attempts to excite feelings of disaffection to the Government established by law in British India, shall be punished with transportation for life or for any term, to which fine may be added, or for imprisonment for a term which may extend to three years, to which fine may be added, or with fine.

¹ Justice of Peace Reports, p. 56.

² Author of Stephen's Digest of Criminal Law (England). Cited *passim*.

"Explanation: Such a disapprobation of the measures of the Government as is compatible with a disposition to render obedience to the lawful authority of the Government, and to support the unlawful authority of the Government against unlawful attempts to subvert or resist that authority is not disaffection. Therefore, the making of comments on the measures of the Government, with the intention of exciting only this species of disapprobation, is not an offense within this clause."¹

This clause was in effect, as it stands quoted, until very recently, when more drastic measures for the suppression of sedition in India were promulgated. It is said² that some time in the early part of 1919 an amendment to the Indian Penal Code and the Code of Criminal Procedure of 1899 had been passed, as follows:

Section 124A (quoted above) is to be followed immediately by this:

"124B. Whoever has in his possession any seditious document intending the same shall be published or circulated, shall, unless he proves that he had such document in his possession for a lawful purpose, be punished with imprisonment which may extend to two years, or with fine, or with both.

"Explanation: For the purposes of this section the expression 'seditious document' means any document containing any words, sign, or visible representation which instigate or are likely to instigate, either directly or indirectly:

"(a) the use of criminal force against His Majesty or the Government established by law in British India, or against public servants or any individual public servant."

This act has been violently attacked by certain factions in India.

3. *Other acts.*—There are other numerous measures against sedition in India. The press and registration of books act (Act XXV of 1897) as amended by Act X of 1890 and by Acts III and X of 1914,³ provides for licensing of printing establishments for periodicals and public newspapers and the rules under which the same must be published. A declaration must be made by the printer, setting out his place of business and a new declaration must be made out whenever a change is made in the place of business or a new printer takes up the work. Copies of all books with illustrations, charts, maps, etc., shall be delivered to the Government within one calendar month of the first delivery from the press, and others may be required later. Any late edition of any book or any periodical shall be delivered to the Government. The act provides penalties for failure to carry out any of its provisions. The last part of the act provides for the registration of a memorandum of the title, author, place of publishing, date of issue, etc., and a translation into English if the book is not in the English language.

The dramatic performances act, Act XIX of 1876, as amended by Acts IV and V of 1914,⁴ provide in subsection (b) of section 3, for the prohibition of dramatic performances "likely to excite feelings of disaffection to the Government established by law in British India" * * *

Act V of 1898,⁵ which is now section 108 of the Criminal Procedure Code, provides for placing under bond anyone who, either orally or in writing, disseminates or attempts to disseminate, or in anywise abets the dissemination of any seditious matter, referring to section 124A⁶ of the Indian Penal Code and cognate offenses.

In 1911 an act was passed called the "Prevention of seditious meetings act, 1911".⁷ In this act power is given to the local Government to prescribe any meetings within the whole or any part of a Province. Written notice shall be given of the time and place of the meeting likely to cause disturbance or public excitement, unless permission has been obtained in writing from the district magistrate or commissioner of police.

The district magistrate or any magistrate may, by order in writing, send one or more police officers to take a report of the proceedings.

The district magistrate or commissioner of police has the power to prohibit any public meeting in any proclaimed area if, in his opinion, such meeting is likely to promote sedition or disaffection, or cause a disturbance of the public tranquillity. Penalty of imprisonment for six months, or of fine, or both, is

¹ Stokes, *The Anglo Indian Codes*, vol. 1, pp. 137, 138.

² Surenda Karr, *Nation*, July 28, 1919 (*International Relations Suppl.*, p. 1021 et seq.).

³ Donogh, *Hist. and Law of Sedition*, App., p. 241 et seq.

⁴ *Ibid.*, p. 250.

⁵ *Ibid.*, p. 254.

⁶ *Supra.*

⁷ Donogh, *Hist. and Law of Sedition*, App., p. 255.

provided for any person concerned in the promotion of conduct of any meeting, or who delivers any lecture, address, or speech contrary to the provisions of this act.

Several acts covering cognate offenses closely allied to sedition are "The Indian press act",¹ the "Newspapers (incitement to offenses) act",² and the "Criminal conspiracy act".³

(b). *Canada.*

1. *Criminal law.*—The Revised Statutes set out the Sedition Law of Canada.⁴

The first three sections under the heading of seditious offenses deal with unlawful oaths, that is, oaths binding a man to commit some crime. These may not be, perhaps, seditious in character. "Seditious words are words expressive of seditious intention. A seditious libel is a libel expressive of seditious intention. A seditious conspiracy is an agreement between two or more persons to carry into execution a seditious intention".⁵

The next section sets out what is not seditious; i. e., for a man in good faith to point out errors in measures or defects in government or justice. This section has, however, been bodily repealed by the act to amend the Criminal Code in 1919.

The last three sections take up the penalties for speaking seditious words, libeling a foreign sovereign, or spreading false news to the injury of any public interest.

2. *Act of 1919.*—On July 7, 1919, Canada passed a drastic act against sedition as an amendment to the existing criminal code.⁶

The first section of the act defines what shall be considered as an unlawful assembly. The essence of this offense is the intention to bring about by violence or threats of injury to persons or property, any governmental, industrial, or economic change, or to advocate such injury or threats of injury to persons or property. Property belonging to any association may be seized without warrant and forfeited.

All officers or members of such associations are liable to imprisonment for not more than 20 years.

Anyone attending any such meetings, publicly advocating such meetings or distributing literature of such association by circulation or mail, is prima facie regarded as a member of such unlawful association; and any property owner who allows the use of his property for such unlawful meetings, is liable to a fine of not more than \$5,000, and to imprisonment for not more than five years, or both.

Section 97B of this act is as follows: ⁷

(1) Any person who prints, publishes, edits, issues, circulates, sells, or offers for sale or distribution any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication, or document of any kind in which is taught, advocated, advised or defended, or who shall in any manner teach, advocate or advise or defend the use, without authority of law, of force, violence, terrorism, or physical injury to person or property, or threats of such injury, as a means of accomplishing any governmental industrial or economic change, or otherwise, shall be guilty of an offense and liable to imprisonment for not more than 20 years.

(2) Any person who circulates or attempts to circulate or distribute any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication, or document of any kind as described in this section by mailing the same or causing the same to be mailed or posted in any Post Office, letter box, or other mail receptacle in Canada, shall be guilty of an offense, and shall be liable to imprisonment for not more than 20 years.

(3) Any person who imports into Canada from any other country, or attempts to import by or through any means whatsoever, any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication, or document of any kind as described in this section, shall be guilty of an offense and shall be liable to imprisonment for not more than 20 years.

¹ Donogh, *Hist. and Law of Sedition*, App., p. 262.

² *Ibid.*, p. 258.

³ *Ibid.*, p. 273.

⁴ Revised Statutes of Canada (1906), c. 146, secs. 129-136.

⁵ *Ibid.*, sec. 132.

⁶ Laws of 1919, c. 46, July 7, 1919.

⁷ Statutes of Canada, 1919, c. 46, sec. 97-B.

Subsection 4 provides that anyone in the employ of the Canadian Government may seize any of the articles set out and turn them over to the police.

This statute has been passed so recently (July 7, 1919), that there is at the present writing no reported case of any action under it, so that the actual interpretation and operation of the statute can not as yet be ascertained.

Australia.

1. *Commonwealth of Australia.*—It seems that in according jurisdiction to the Commonwealth, the various States of Australia reserves to themselves the power and right to make criminal laws. Therefore, there is no provision in the Constitution of the Commonwealth¹ in regard to treason or sedition.

2. *Victoria.*—Victoria is the only Australian State which does not provide against treason, sedition, or for offenses against the State.²

3. *Queensland.*—The law on sedition in Queensland incorporates the main points of the treason felony act, 1848,³ of Great Britain, together with the incitement to mutiny act⁴ the unlawful oaths act,⁵ and an especial definition of sedition.

This definition is contained in sections 44, 46, and 52 of the Criminal Code,⁶ as follows:

44. An intention to effect any of the following purposes; that is to say—

(a) To bring the Sovereign into hatred or contempt; (b) to excite disaffection against the Sovereign or the Government or Constitution of the United Kingdom or of Queensland as by law established, or against either House of Parliament of the United Kingdom or of Queensland, or against the administration of justice; (c) to excite Her Majesty's subjects to attempt to procure the alteration of any matter in the State as by law established otherwise than by lawful means; (d) to raise discontent or disaffection amongst Her Majesty's subjects; (e) to promote feelings of ill will and enmity between different classes of Her Majesty's subjects is a seditious intention, unless it is justified by the provisions of the next following section.

46. A seditious enterprise is an enterprise which is undertaken in order to the carrying out of a seditious intention.

Seditious words are words expressive of a seditious intention.

The term "seditious writing" included anything intended to be read, and any sign or visible representation, which is expressive of a seditious intention.

52. Any person who—(1) Conspires with any person to carry into execution a seditious enterprise; or (2) advisedly publishes any seditious words or writing is guilty of a misdemeanor and is liable to imprisonment with hard labor for three years.

4. *New South Wales.*—Section 12 of Part II of the crimes act, 1909,⁷ embodies the law of sedition (again, in this case, called treason felony) for New South Wales.

"12. Whosoever, within New South Wales or without, compasses, imagines, invents, devises, or intends to deprive or depose Our Most Gracious Lady the Queen, her heirs, or successors from the style, honor, or royal name of the Imperial Crown of the United Kingdom, or of any other of Her Majesty's dominions and countries, or to levy war against Her Majesty, her heirs, or successors, within any part of the United Kingdom or any other of Her Majesty's dominions, in order, by force or constraint, to compel her or them to change her or their measures or counsels, or in order to put any force or constraint upon, or in order to intimidate or overawe both Houses or either House of the Parliament of the United Kingdom or the Parliament of New South Wales, or to move or stir any foreigner or stranger with force to invade the United Kingdom or any other of Her Majesty's dominions or countries under the obeisance of Her Majesty, her heirs, or successors, and expresses, utters, or declares such compassings, imaginations, inventions, devices, or intentions, or any of them, by publishing any printing or writing or by open and advised speaking, or by any overt act or deed shall be liable to penal servitude for life."

¹ 63 and 64 Vict., c. 12.

² Cf. Crimes Act, 1915, Victorian Statutes (compiled) 1915, vol. 2, p. 1.

³ 57 and 58 Vict., c. 60.

⁴ 37 Geo. 3, c. 70.

⁵ 37 Geo. 3, c. 123.

⁶ The Queensland Statutes, Vol. VIII, pp. 6866.

⁷ No. 4 of 1909.

5. *South Australia*.—The law of South Australia on sedition is contained in the treason felony act of 1868,¹ which has not been amended:

"2. If any person whatsoever shall compass, imagine, invent, devise, or intend to deprive or depose our Most Gracious Lady the Queen, her heirs or successors, from the style, honor, or royal name of the Imperial Crown of the United Kingdom or of any other of Her Majesty's dominions and countries, or to levy war against Her Majesty, her heirs or successors, within any part of the United Kingdom or any other of Her Majesty's dominions, in order by force or constraint to compel her or them to change her or their measures or counsels, or in order to put any force or constraint upon, or in order to intimidate or overawe both Houses or either House of the Parliament of the United Kingdom, or the Parliament of this Province, or to move or stir any foreigner or stranger with force to invade the United Kingdom or any other of Her Majesty's dominions or countries under the obeisance of Her Majesty, her heirs or successors, and such compassings, imaginations, inventions, devices, or intentions, or any of them, shall express, utter, or declare by publishing any printing or writing, or by open and advised speaking, or by any overt act or deed, every person so offending shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned and kept at hard labor for the term of his natural life, or for any term not less than six months."

6. *West Australia*.—In western Australia the consolidated criminal code sets out the offense of sedition in Chapter VII, sections 44 to 53. It is similar to the provisions for Queensland and the important sections bearing directly on sedition are here quoted:

"44. An intention to effect any of the following purposes, that is to say:

"(a) To bring the sovereign into hatred and contempt; (b) to excite disaffection against the sovereign, or the Government or Constitution of the United Kingdom, or of the Commonwealth of Australia, or of western Australia as by law established, or against either House of Parliament of the United Kingdom, of the Commonwealth of Australia, or of western Australia, or against the administration of justice; (c) to excite His Majesty's subjects to attempt to procure the alteration of any matter in the State as by law established otherwise than by lawful means; (d) to raise discontent or disaffection amongst His Majesty's subjects; (e) to promote feelings of ill will and enmity between different classes of His Majesty's subjects, is seditious intention, unless it is justified by the provisions of the next following section.

46. A seditious enterprise is an enterprise which is undertaken in order to the carrying out of a seditious intention.

Seditious words are words expressive of a seditious intention.

The term "seditious writing" includes anything intended to be read, and any sign or visible representation, which is expressive of a seditious intention.

52. Any person who (1) conspires with any person to carry into execution a seditious enterprise; or (2) advisedly publishes any seditious words or writing; is guilty of a misdemeanor, and is liable to imprisonment with hard labor for three years.

If he has been previously convicted of any such offense he is guilty of a crime, and is liable to imprisonment with hard labor for seven years.

A prosecution for any of the offenses defined in this section must be begun within six months after the offense is committed.

A person can not be convicted of any of the offenses defined in this section upon the uncorroborated testimony of one witness.

7. *Tasmania*.—The law in Tasmania is embodied in the treason felony act.² The statute follows:

"2. If any person within this colony compasses, imagines, invents, devises, or intends to deprive or depose Our Most Gracious Lady the Queen, her heirs or successors, from the style, honor, or royal name of the Imperial Crown of the United Kingdom, or of any other of Her Majesty's dominions and countries, or to levy war against Her Majesty, her heirs or successors, within any part of this colony, in order by force or constraint to compel her or them to change her or their measures or counsels, or in order to put any force or constraint upon or in order to intimidate or overawe both houses or either house of Parliament of the United Kingdom or of the Parliament of this colony, or to move or stir any foreigner or stranger with force to invade this colony

¹ No. 2 of 1868.

² 32 Vict., No. 10.

or any other of Her Majesty's dominions or counties under the obeisance of Her Majesty, her heirs or successors, and such compassings, imaginations, inventions, devices, or intentions, or any of them, shall express, utter, or declare by publishing any printing or writing or by any overt act or deed, every person so offending shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for life or for any term not exceeding 15 years."

(d) *New Zealand.*

Sections 115 to 120 of the crimes act of New Zealand¹ defines seditious offenses. Section 118 sets out in full the definition of seditious offenses.

"118. (1) A seditious intention is an intention (a) to bring into hatred or contempt, or to excite disaffection against, the person of His Majesty, or the Government or constitution of the United Kingdom, or of any part thereof, or either House of the Imperial Parliament, or the Government or constitution of New Zealand, or the Parliament thereof, or the administration of justice; or (b) to incite His Majesty's subjects to attempt to procure otherwise than by lawful means the alteration of any matter affecting the constitution, laws, or Government of the United Kingdom or of New Zealand; or (c) to raise discontent or disaffection amongst His Majesty's subjects; or (d) to promote feelings of ill will and hostility between different classes of such subjects.

"(2) No one shall be deemed to have a seditious intention only because he intends in good faith (e) to show that His Majesty has been misled or mistaken in his measures; or (f) to point out errors or defects in the Government or constitution of the United Kingdom or of any part thereof, or of New Zealand, or in the administration of justice; or to incite His Majesty's subjects to attempt to procure by lawful means the alteration of any matter affecting the constitution, laws, or Government of the United Kingdom or of New Zealand; or (g) to point out in order to their removal matters producing or having a tendency to produce feelings of hatred and ill will between different classes of His Majesty's subjects.

"(3) Seditious words are words expressive of a seditious intention.

"(4) A seditious libel is a libel expressive of a seditious intention.

"(5) A seditious conspiracy is an agreement between two or more persons to carry into execution a seditious intention."

Section 119 details the punishment and section 120 prohibits libel on sovereigns of foreign States.

(e) *Union of South Africa.*

In the Union of South Africa the offense of sedition appears bound up with the offense of riotous gatherings and incitements to public violence. It is more as an incitement to public violence that one finds the law than as either treason-felony or sedition as in the other parts of the Empire.

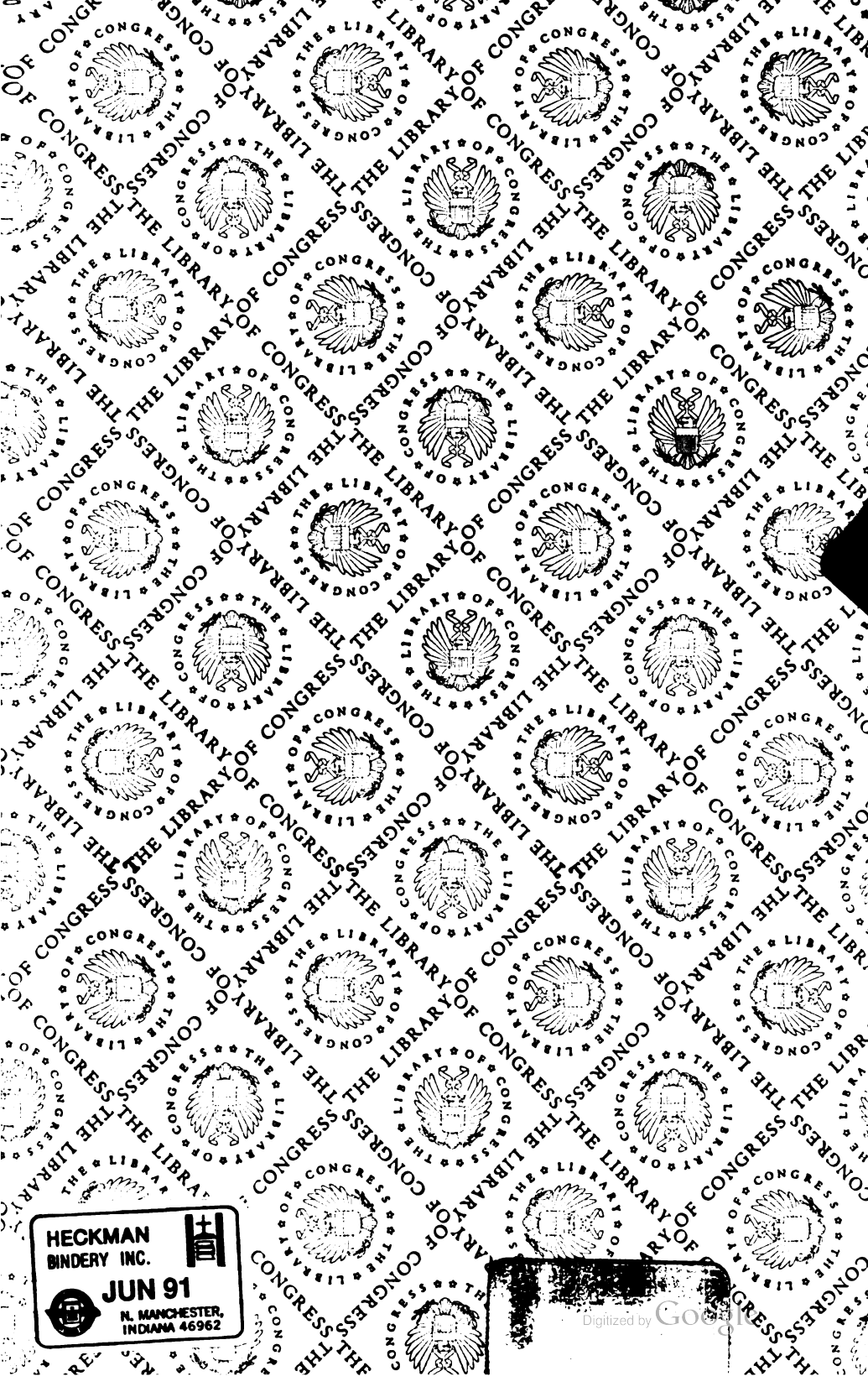
Chapter I of act No. 27 for the year 1914. In section 7, defines the law:²

"7. A person shall be deemed to have committed the common-law offense of incitement to public violence if, in any place whatever he has acted or conducted himself in such a manner or has spoken or published such words that it might reasonably be expected that the natural and probable consequence of his act, conduct, speech, or publication would, under the circumstances, be the commission of public violence by members of the public generally or by persons in whose presence the act or conduct took place or to whom the speech or publication was addressed."

There seems to be the idea of force conveyed in the statute. It is, however, less direct in its application than in some of the Australian laws. It is more in harmony with the statements of judges in the cases on sedition at common law which have been set out at some length in this article.

¹ Consolidated Statutes, vol. 1, p. 592, etc.

² Statutes of the Union of South Africa, 1914, No. 27, sec. 7.



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