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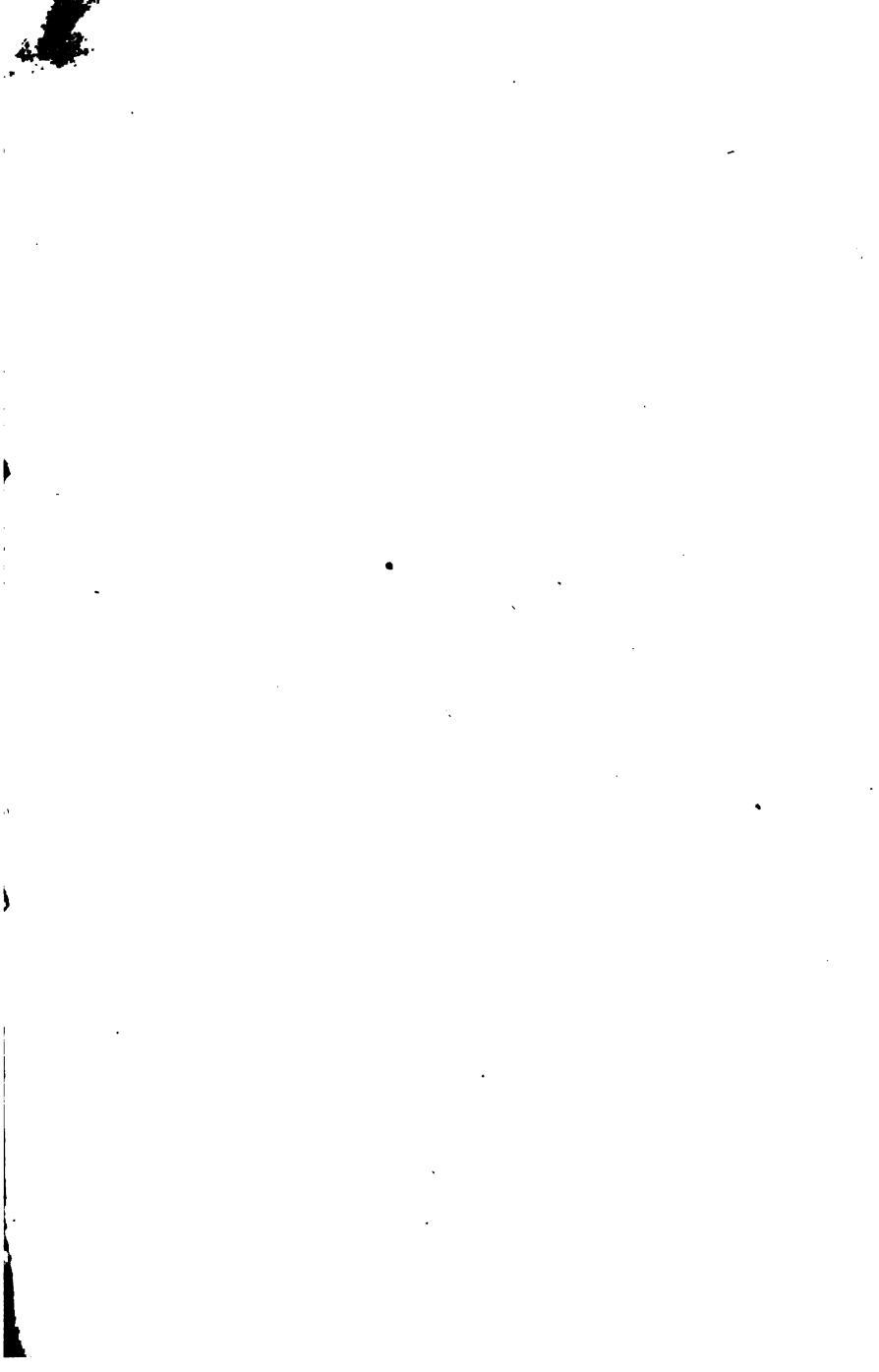
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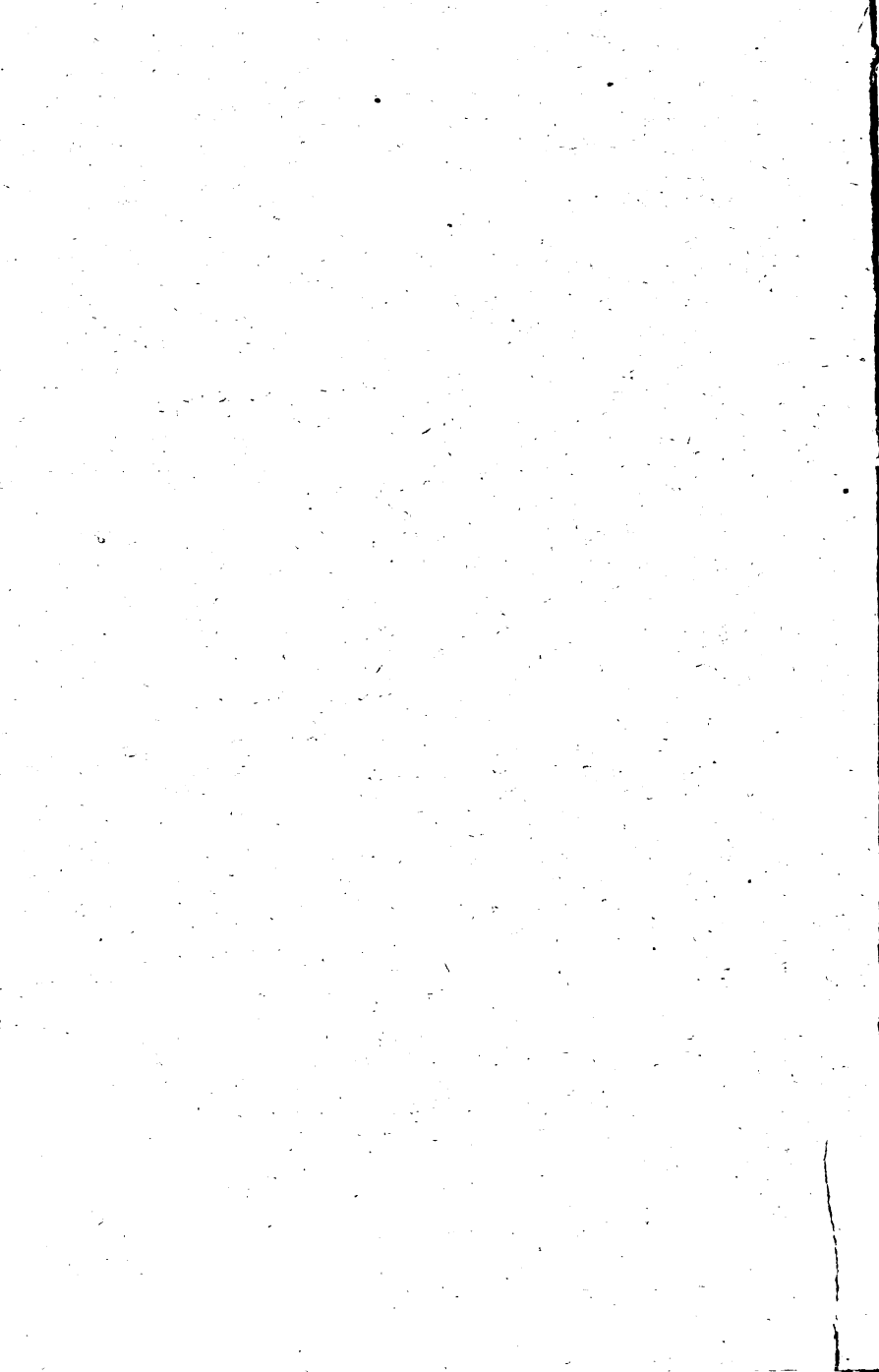
SOCIALISM ON TRIAL

by

MORRIS HILLQUIT



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TO MY WIFE

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PREFACE

ON the first day of April, 1920, the lower house of the legislature of the State of New York by an overwhelming vote adopted a resolution expelling the five Socialists who had been elected members of that body. The unprecedented action was the culmination of a sensational political proceeding, which was followed with tense interest by the whole country. It had its inception on the opening day of the legislative session, January 7th, 1920, when the Speaker of the Assembly, Thaddeus C. Sweet, without preliminary debate or notice of any kind, suddenly ordered the Socialist members to the bar of the House and coolly informed them that they would not be allowed to take their seats in the Assembly on the ground that they had been elected "upon a platform that is absolutely inimical to the best interests of the State of New York and of the United States." The Speaker was immediately followed by the majority leader of the Assembly, who offered a resolution in substance condemning the Socialist Party as a revolutionary and unpatriotic organization, and directing that the seats of the Socialist Assemblymen be declared vacant "pending the determination of their qualifications and eligibility." The resolution was passed with only six dissenting votes. After thus convicting a whole political party without trial, the entire matter was referred to the Judiciary Committee of the Assembly "for investigation" — a sort of post-mortem inquest. The hearings in the peculiar proceeding resulted in a divided report, seven members

of the Committee recommending the expulsion of all the Socialist Assemblymen, while five members upheld their right to their seats and one favored the expulsion of three and the seating of two of the defendants.

From a legal aspect the proceeding was a monstrosity.

The entire scheme of our political system is that the people should govern through their elected representatives. The right of the people to choose their own representatives is supreme. The provisions of the New York State constitution which had any bearing upon the issue, are based upon this political axiom. The law prescribes the qualifications of Members of the Assembly. They are few in number and plain in meaning. A Member of the Assembly must be of full age, a citizen of the United States and a resident of the State. He must, of course, also have been elected by a plurality of the votes legally cast in his district at an election duly held.

Since the existence of these qualifications and the fact of the election may be, and in practice often are, questioned, and an appropriate tribunal must exist to determine such questions, the constitution of the State ordains that each house shall be "the *judge* of the elections, returns and qualifications of its own members."

In passing upon the qualifications of its members, the Assembly acts in a judicial capacity. It is legally and morally bound by the provisions of the Constitution, and the latter leaves no room for doubt as to the rights of elected public officials.

After directing that all such officials take an oath to support the Constitution of the United States and the constitution of the State of New York, and prescribing the form of such oath. it specifically and solemnly ordains that "no other oath, declaration or *test* shall be required as a *qualification* for any office of public trust." To an unbiased mind it must be quite patent that the

intentions of this provision was to prohibit the exact thing which the Assembly has done in the case of its Socialist members.

Now that the proceeding has passed from the agitated realm of controversy into the serene domain of history, the full significance of the precedent set in Albany gradually begins to dawn upon thinking America. As time goes on the irretrievable ravages which the reckless action has wrought upon the precious fabric of popular government will become more obvious. In the calm retrospect of future years the lawless disfranchisement of a whole political party will rank with the Dred Scott decision as a national calamity.

The baneful precedent may never be applied again, or it may be made the basis of an even more outrageous political crime in some future fit of emotional public hysteria. It will always be with us. Like Banquo's ghost, it will hover about the constitution — a sinister reminder of the insecurity of representative government and popular elections.

The action of the Assembly will not destroy the Socialist Party. Nor will it force it to modify its substantial aims or character. The Socialist movement is too strongly entrenched as a vital and organic part of the modern political system to be annihilated by the edict of a handful of naïve politicians.

On the other hand, the action of the Assembly may prove to be the making of the Socialist Party. The plot for the ouster of the Socialist members of the Assembly undoubtedly originated with the Republican machine in the Assembly. Had the Democratic members of the Assembly or the Democratic Party as such possessed the political honesty, courage and wisdom to oppose the measure, the odium of the proceeding would have fallen with its entire weight upon the Republican Party. But the Democrats chose to make common cause

with their Republican rival in the perpetration of the outrage.

The Socialist Party thus becomes the only place of refuge for the liberty-loving citizen. The irony of the political game has decreed that at the very moment when the Socialist Party has been barred from a legislative body as a "foe of the constitution," it finds itself the sole political guardian of popular constitutional rights. Henceforward Socialism will have a double appeal to the voters, a political as well as an economic.

The following pages represent a full stenographic record of my closing address as counsel for the Socialist Assemblymen before the Judiciary Committee of the Assembly. The hearing, which began on the 20th day of January and was concluded on the 9th day of March, covered most of the important phases of modern Socialist thought and policy. It leaves behind it a record of more than 2200 closely printed pages. The closing address, which attempted to summarize the issues from the Socialist point of view, thus resolved itself into an attempt at a rather complete exposition of the present-day philosophy, program and methods of the Socialist Party and its attitude towards the late war and the great world problems arising from it. This character of the speech and the historic circumstances under which it was made, will, I hope, justify its present publication.

NEW YORK, May 15th, 1920

MORRIS HILLQUIT

SOCIALISM ON TRIAL

The Charges.—Before beginning my argument, I wish to thank you, Mr. Chairman, and the other members of the Committee, for the great patience and forbearance which you have shown throughout this proceeding. I also wish to express my appreciation to counsel on the other side for their conduct, which, on the whole, has been courteous, and to say that if, in the course of my remarks I should have occasion to criticize some of their conduct in this proceeding it shall by no means be taken as personal, but only as necessitated by the exigencies of the case itself.

True to his promise, the Chairman has allowed a great latitude to both sides in the introduction of evidence. We have had an extraordinary wide range of testimony, some relevant, some irrelevant; and today, when we come to sum up the case, we are confronted by an unusual record, I believe, of about 2,000 printed pages, covering every conceivable historical, economic and sociological subject.

I believe it to be the object of a summing up to separate the wheat from the chaff; to come down to the actual issues; to discuss the principal evidence on such issues, and to give the view of counsel for the respective sides, on the purport and meaning of such evidence; and I believe I can render no better service to the Committee in their deliberations than to recall to them at the threshold that after all is said and done, and after all the testimony is sifted and weighed, we are here in a definite proceeding and for a definite and concrete object. We have gotten away from the facts of the case. We have gotten away in some respects from the objects, and it may be well to recall here the origin of this proceeding.

In the last general election of 1919, Louis Waldman,

August Claessens, Samuel A. deWitt, Samuel Orr and Charles Solomon were duly elected by their respective constituencies in the city of New York, to be members of this body. They received a plurality, or majority vote in each case. Their election was not contested. A certificate of election was issued to each of them, and on the 7th day of January, 1920, the opening day of the first session of this Assembly, they duly presented themselves, took the constitutional oath of office, participated in the work of organizing this Chamber and in some other preliminary work until such time as they were, upon the motion of the Speaker of the House—upon his own motion—called before the Bar of this House and, after being lectured by the Speaker, a resolution was introduced, submitted to a vote and adopted; and they thereupon and under the terms of that resolution, were suspended from their office pending this hearing.

This resolution is the authority under which your Committee acts. It not only states the subject of your inquiry, but it also defines and limits your authority in the matter. It is the only legal warrant under which you gentlemen of the Committee are here to-day; and it, therefore, becomes very important to have that resolution and its wording clearly before you. I shall take the liberty of reading it now. It is as follows:

“Whereas, Louis Waldman, August Claessens, Samuel A. deWitt, Samuel Orr and Charles Solomon are members of the Socialist Party of America; and

“Whereas, the said Socialist Party did, at its official party convention, held in the city of Chicago, Illinois, in the month of August, 1919, declare its adherence and solidarity with the revolutionary forces of Soviet Russia and did pledge itself and its members to the furtherance of the International Socialist Revolution; and

“Whereas, by such adherence and such declaration made by the said party, the said party has endorsed the principles of the Communist Internationale now being held at Moscow, Russia, which Internationale

is pledged to the forcible and violent overthrow of all organized government now existing; and

"Whereas, section 5 of article 2 of the Constitution of the Socialist party of America provides that each member of the Socialist party of America must subscribe to the following: 'In all my political action, while a member of the Socialist party, I agree to be guided by the Constitution and platform of that party'; and

"Whereas, section 13, subdivision 8, of the State Constitution of the Socialist party of the State of New York provides: 'A member may be expelled from the party, or may be suspended for a period not exceeding one year, for the following offenses: (f) for failing, or refusing when elected to a public office, to abide and carry out such instructions as he may have received from the dues-paying party organization, or as prescribed by the State or National Constitution'; and

"Whereas, such instructions may be given by an executive committee made up in whole or in part of alien enemies owing allegiance to governments or organizations inimical to the interests of the United States and the people of the State of New York; and

"Whereas, the National Convention of the Socialist party of America, held at St. Louis, from April 7, to about April 14, 1917, did duly adopt resolutions that the only struggle which would justify taking up arms is the class struggle against economic exploitation and political oppression, and particularly warned against the snare and delusion of so-called defensive warfare; and such resolutions further provided "as against the false doctrine of national patriotism, we uphold the idea of international working-class solidarity"; and

"Whereas, the Socialist party of America did urge its members to refrain from taking part in any way, shape or manner in the war, and did affirmatively urge them to refuse to engage even in the production of munitions of war and other necessities used in

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the prosecution of the said war, and did thereby stamp the said party and all of its members with an inimicable attitude to the best interests of the United States and the State of New York; and

"Whereas, the said Louis Waldman, August Claessens, Samuel A. deWitt, Samuel Orr and Charles Solomon, members of the Socialist party of America, having been elected upon the platform of the Socialist party of America, have thereby subscribed to its principles and its aims and purposes, against the organized government of the United States and the State of New York, and have been actively associated with and connected with an organization convicted of a violation of the Espionage Act of the United States;

"Therefore, be it resolved, that the said Louis Waldman, August Claessens, Samuel A. deWitt, Samuel Orr and Charles Solomon, members of the Socialist party, be and they hereby are denied seats in this Assembly pending the determination of their qualifications and eligibility to their respective seats, and be it further

"Resolved, that the investigation of the qualifications and eligibility of the said persons to their respective seats in this Assembly be and it hereby is referred to the Committee on Judiciary of the Assembly of the State of New York, to be hereafter appointed, and that the said Committee be empowered to adopt such rules of procedure as in its judgment it deems proper, and that said Committee be further empowered to subpoena and examine witnesses and documentary evidence, and to report to this body its determinations as to the qualifications and eligibility of the said Louis Waldman, August Claessens, Samuel A. deWitt, Samuel Orr and Charles Solomon, and each of them respectively, to a seat in this Assembly."

Now, Mr. Chairman, I call your attention, first of all to the object for which this investigation has been

instituted, and which is stated twice in the resolution. One is that the Assemblymen mentioned be denied their seats "pending the determination of their qualifications and eligibility to their respective seats"; and by the other: you are asked to report finally your determination as to "the qualifications and eligibility" of these five men. So that the only question before you — the only question upon which you have the power to take testimony and to pass upon it — is the question of the eligibility and qualification of these five men. You have no other authority under this resolution. I say this for the reason that the nature of this proceeding and its legal status have never been made quite clear; and in fact, when you go through the record, you will find several conflicting allusions to the nature of this proceeding.

There is, as you well know, first of all, the constitutional provision to the effect that each House — and, of course, also this Assembly — shall be the judge of the elections, returns, and qualifications of its own members; and that is the only provision which the Assembly had in view in passing this resolution under which you are proceeding.

You cannot adopt any other theory but that these five men were denied seats not on account of their conduct in the Assembly; but they were denied their seats at the threshold of their terms, just upon a challenge of their qualifications and eligibility.

The other provision which has been mentioned here is the one of the Legislative Law, section 3, to the effect that each House has the power to expel any of its members after the report of a Committee to inquire into the charges against him shall have been made. Clearly, this proceeding does not come within that provision; first, because the expulsion or suspension of these members took place before any inquiry into charges; and also because I think it has been held uniformly — and it is quite clear from the context — that this section of the Legislative Law deals only with conduct of members of the Assembly in office. It could not be anything else. For that matter I doubt that the Legislature would have

a right to go back to original qualifications by the enactment of a similar provision.

Another provision which also has been referred to in the course of this proceeding is that of the Public Officers Law, section 35-a, reading: "A person holding any public office shall be removable therefrom in the manner provided by law for the utterance of any treasonable word or words, or the doing of any treasonable or seditious act or acts during his term."

Now, it is perfectly clear that this provision has absolutely no application to the case before you; first, because the offense here mentioned must be committed during the term of office; and, of course, the term of office of these Assemblymen covered a period not beyond two hours, during which time they are not charged with misconduct in any shape, form or manner. Furthermore, from the reading of this provision it is perfectly clear that all that it meant to do was to specify one of the offenses referred to in a general way in the Legislative Laws, an offense for which a member may be expelled, because this provision—"a person holding any public office shall be removed therefrom in the manner provided by law"—assumes and refers to a definite procedure for such removal, mentioned elsewhere.

I do not suppose it will be seriously contended by the other side or that any member of the committee would entertain any serious doubts on the subject, namely, that these five Assemblymen are tried here as to their qualifications or eligibility for office under the provisions of the Constitution of the State of New York, article 3, section 10. That is one very important inference we must draw from the reading of the resolution.

Thus you are asked to inquire into the eligibility and qualifications of these men and to report your determination. Does that mean that you are given a general roving commission? Does that mean that you are limited in any way in the scope of your inquiry by the provisions of that resolution? I hold it does not. What I maintain, Mr. Chairman, is that the numerous preambles in the resolution in form charging these Assembly-

men with the commission of certain offenses or with the possession of certain disqualifications are not meant to be and could not have been meant to be conclusions in the nature of a judgment. In other words, when the Assembly, by its resolution said: "Whereas, the said Socialist party did at its official party convention held at the City of Chicago, Illinois, in the month of August, 1919, declare its adherence and solidarity with the revolutionary forces of Soviet Russia, and did pledge itself and its members to the furtherance of the International Socialist Revolution," and when it further said, in the next clause, "That Whereas, by such adherence and by such declaration made by the said party, the said party has endorsed the principles of the Communist Internationale now being held at Moscow, Russia, which Internationale is pledged to the forcible and violent overthrow of all organized governments now existing," the Assembly did not mean to convey the impression that it had investigated all these alleged facts, passed upon them, and rendered judgment as therein set forth, for if that had been the case there would be nothing to refer to this committee. Also, it would be a perfectly novel procedure to render judgment without a trial, without a hearing, without any evidence to support it. I take it, therefore, Mr. Chairman, that while the resolution is perhaps a little unskillfully worded, the intention was to consider these various recitals as charges, not as findings of facts, somewhat analogous to the form of an indictment in which the defendant is charged in positive and concrete terms with the commission of certain offenses, but which does not stand as the judgment of the court but merely as a basis for trial and investigation. And I hold that these various recitals do not intend to do more than that; that they merely represent charges against these Assemblymen or their party in concrete form, and if my contention is correct, and I don't see how any other conclusion could be held, it means that this resolution, other than its first enacting clause, is an indictment. And you gentlemen of the committee are limited to the investigation of these charges. There is nothing else before you.

In other words, the Assembly has said to you as follows: "Whereas, it is claimed that the party to which these five Assemblymen belong is committed to certain policies, and has committed certain acts, and whereas, it is claimed that such policies and acts are inconsistent with their holding office, disqualify them and render them ineligible." Therefore you gentlemen of the Committee are directed by this Assembly, through this resolution, first to ascertain the facts. Are these charges upon which the Assembly acted in the suspension of these members, are these charges true or are they false, or are they true in part and false in part? If so, in what particulars are they true, and in what particulars are they false? And if your decision on the question of fact is that these charges are supported by evidence, or any of them are supported by evidence, then you must determine a second question, as a question of law, whether upon the existence of such facts as you have ascertained, these men have been rendered disqualified or ineligible to office by the Constitution or by law. So that your task is a two-fold one. You must inquire into the facts, and I repeat, the facts recited in the resolution, determine the truth or falsity of the charges, and then determine as a question of law, whether or not the existence of such conditions render these five men eligible or qualified to hold the office as members of the Assembly.

Curiously enough, at the very outset of this proceeding, at the first session of this Committee, a statement was read by the Chairman presumably in behalf of the Committee, giving a somewhat different version of the issues before this Committee. A version not in all respects in accord with the resolution. The source of the statement has never been made clear in this proceeding. Whether it was the individual opinion of the Chairman, a statement of the Committee, or in the nature of an attempted superseding indictment, we do not know, but the fact is that this statement contained several additional charges not found in the original resolution.

These were: First, that these five Assemblymen were "members of a party or society whose platform or prin-

ciples and whose doctrines, as advocated today, call for or demand, the complete destruction of our form of government by the fomentation of industrial unrest, the bringing into play of force and violence and direct action of the masses. That was not, the latter part, at least, contained in the original resolution. Further, that these men affiliated with that party or society, have subscribed to and advocate such principles, and are in favor of absolute substitution of minority for majority rule." That, likewise, is a new charge, not embraced in the resolution.

Then, "that in 1917, when our country was at war with Germany, and summoned the strength of the people to that great struggle, the party or society to which these men belonged, and to whose program they have subscribed in open convention, and with calculated deliberation, denounced the war as criminal, its purpose capitalistic, its motive profiteering, and pledged every man in the party to oppose the war, and all means adopted by the government for carrying on the war in every possible way."

And further, "that the men herein named, by voice and vote, in public and in private, opposed every measure intended to aid the prosecution of the war to a successful conclusion, and gave aid and comfort to the enemy."

I wish to call the attention of the Committee to the fact, that this charge contained in the statement read by the Chairman, is the first attempt to lay any definite charge upon the five men individually. In the resolution the only connection between them and guilty conduct is their membership in the Socialist party of the United States. There is not a word; there is not an inference in the entire resolution which would hold any of these five men individually guilty of any misconduct. Here, for the first time, in a supplemental, informal statement, they are charged individually that they have, by their votes and by their voice, committed certain acts of alleged misconduct.

Then, further, "that they secured their nomination and procured their election under the pretense to the people that they were merely availing themselves of a legal

established means for political representation; whereas in truth and in fact it is claimed that this was done to disguise and cover up their true intent and purpose to overthrow this government, peaceably if possible; forcibly, if necessary."

This, the alleged procuring of their election or nomination, by false pretenses, is likewise an entirely new supplemental charge.

Then, "the claim is made that these men, with others, engaged in a large and well-organized conspiracy to subvert the due administration of law, to destroy the right to hold and own private property, honestly acquired; to weaken the family ties which they assert is the seed of capitalism, to destroy the influence of the Church and overturn the whole fabric of constitutional form of government."

Here, for the first time, the theory of a conspiracy is sprung upon us. In the original resolution these five members of the Assembly were charged with membership in a political party, and it was claimed that that political party had rendered itself unfit for membership of the political community in the country by its conduct.

In the supplemental charge, it is no more a party. It is a conspiracy between these five men and various other persons unknown, to do certain things, likewise not mentioned in the original resolution. And to show how far the statement goes and how ill-advised were those that prepared it, it will suffice to call attention to this particular charge, namely, that one of the objects of the alleged conspiracy was to destroy the influence of the Church.

The charge is ridiculous. It is controverted by the evidence, but the point alone—the idea of a legislative body in any State of the Union making the object of a charge that certain men are alleged to have conspired to undermine the influence of the Church! Since when is the State, since when is any legislative body constituted a guardian of the influence of the Church? Isn't every political and social doctrine of this country, from the early days of the Colonies, down to this last

day, absolutely opposed to the theory that it is the business of the State to preserve the influence of the Church? Does not the Constitution of the United States, at least by implication, emphasize that very foundation of our social and political life? And how does this Assembly of the State of New York come to charge, as an offense, that any of its members were engaged in any conspiracy, to undermine the influence of the Church? I repeat the charge is absurd; but I also wish to call attention of the Committee to the desperate length to which the framers of these charges went when they prepared the supplemental charge.

Now, Mr. Chairman, I hope that the entire supplemental statement, inasmuch as it is supposed to be part of this proceeding, in so far as it is supposed to constitute a basis of additional evidence against these Assemblymen now under charges, should be disregarded from beginning to end; should be thrown out of your minds, and from your consideration, together with all the testimony based upon it.

The charges which were made against us, the charges which we were summoned here to defend ourselves before you, are charges formulated by this Assembly. If any additional charges were to be made against us, there was only one way of effecting it. The Assembly could amend or supplement its resolution. You gentlemen of the Committee could not do it. The agent can not extend the authority conferred upon him by the principal.

I say you have no legal right to add any charges. You had no legal right to hear evidence on those additional charges. You should absolutely disregard it. But, if there was, at least, a semblance of legality or propriety in those additional charges made by the Committee, in the statement read by the Chairman, there certainly was none in the further additional charges made by counsel for the Committee; and they have made additional charges.

It seems to be a sort of general free for all proceeding. Here are five men brought before a court on something or other. Everybody who feels like hitting them, go on and do so and do it in your own way.

Counsel in submitting their so-called brief at the close of their case, I repeat, did make definite and additional charges against these five men. These are, first that the provision contained in the national constitution of the Socialist Party, prohibiting members of the party from voting for any appropriation for military or naval purposes, or for war, that this is in conflict with the provision of the Constitution of the State of New York which enjoins upon the Legislature to make annual appropriation for the maintenance of the militia, and that consequently that fact disqualifies these five men from taking seats in the Assembly. I am not going at this time into the merits of the contentions. We will do that later, but I call your attention to the fact that this is distinctly a new charge, not contained in the resolution, not contained even in the Chairman's statement, but wholly invented by counsel for the Committee.

Likewise, the charge that the Socialist party has for its purpose the substitution of the Soviet form of government in the United States. That was not contained in any of the previous charges. That was discovered by counsel for the Committee; and so, likewise, that the Socialist party is an anti-national party; and finally, counsel for the Committee take it upon themselves to prefer, formulate and state specific charges of individual misconduct against these five Assemblymen. I call attention to the fact that when the resolution was adopted there was no such charge, or shadow of a charge, in it. But, in order to conform the charges to the evidence improperly introduced, specific charges are made against the Assemblymen, and learned counsel on the part of the Committee even go so far as to suggest that these five men are guilty of a violation or violations of the Espionage Law and should be convicted under the terms of that law.

To what extent counsel for the Committee have gone in the preparation and formulation of charges against these five men can be best judged by this: that they have had the sad courage to take up the records of these men in previous sessions of the Assembly, to drag out

their votes, their action in such Assembly and to make that a basis of their criticism. If ever there was a sacred right recognized in the political fabric of our country it is the untrammelled right of an elected representative to any legislature, State or national, to speak his mind freely and according to the dictate of his conscience, to vote and act upon all measures before him as an absolutely free and untrammelled agent. And our Constitution specifically provides that the acts and votes of members of the legislature should not be questioned anywhere else in any proceeding of any kind including a proceeding of this kind.

Nor is that all. Counsel go so far as to make the charge with reference to August Claessens that during his term of office, previous terms, he had introduced "affirmative legislation of an offensive character." Think of it, gentlemen. Consider it soberly. Have they come down to that? Have they come down to the point where a measure introduced by a member of your House or of any other legislative body which to him, we must assume, represents a measure of public welfare, that such a measure of affirmative legislation, not personal misconduct, not personal misbehavior, but a measure of affirmative legislation, subsequently happens not to meet with the approval of learned counsel for your Committee and is made a basis of a proceeding for removal from the Assembly? I merely point that out to show to your Committee the length to which this modification of charges has gone, the piling of charges upon charges, and I again repeat that with respect to all these new charges discovered by counsel for your Committee, they are not before you. You have no right to go into them. You have no authority from your parent body for it. You must disregard them and disregard all the evidence in connection with them. This proceeding otherwise will certainly set a precedent, a very novel precedent in the jurisprudence of this country.

Imagine for a moment a defendant charged with larceny brought to trial. The District Attorney tries the case upon an indictment of forgery. The judge sub-

mits it to the jury upon the theory of arson and perhaps the jury brings out a verdict of assault and battery. This is practically what you have before you for the record will show that even with all this latitude, with all this superstructure of various charges, the evidence is not confined to the charges.

The Evidence

Now, with reference to that evidence there is one point I wish to make, and gentlemen of the Committee I wish to impress that upon your minds as strongly as I can. I say regardless of the question of the relevancy or irrelevancy of the testimony offered here and regardless of the intention of my friends on the other side, whom I do not charge with wilful malintentions, I say the evidence so absolutely distorts the vision of those who read it as to be absolutely worthless and worse. My criticism is based upon two points, not so much on the point that utterances, platforms, declarations and other statements of the party or certain individuals have been misconstrued or misread. That may pass. But there is another important point and that is this. The testimony is so one-sided as to absolutely blur the vision. Let me tell you what I mean by it.

The Socialist movement is about 70 to 75 years old in its modern phases. It has produced a literature of hundreds upon hundreds of volumes in all modern languages. The Socialist movement in the United States is almost half a century old. The present party is 20 years old. It has had numerous conventions, national, state and local. It has adopted hundreds of official proclamations of all kinds. Its press is large. Take for instance the Call alone that has been cited here so often. It is a daily. There are 365 editions of it every year. It is in its 13th year of existence. Consequently it has published roughly about 4,500 numbers. Each of them contains an average of from four to five editorials or contributed articles. So that this paper alone has published about 20,000 different editorials and contributed

articles. Now, this is only one paper. The Socialist party at all times has had an average of about 100 papers, daily, weekly, monthly, in English and other languages, supporting its policies. Imagine how many statements of all kinds these have contained. The Socialist party is always campaigning, almost every member is a speaker, a propagandist. Millions of Socialists' speeches have been made in this country within the last couple of decades. Now, here is my point. Every indiscreet statement that creeps into our literature, our press or our public forum, every foolish, irresponsible statement—and such are bound to occur occasionally—is at once seized upon by our professional opponents, the anti-Socialist leagues, the National Civic Federation, and they are immortalized; they are printed, and transmitted from book to book and from paper to paper and then all are collected and turned over ready-made to a Lusk Committee or any other committee that investigates great social problems. Learned counsel on the other side, I make bold to state, have practically every incriminating utterance of any kind ever made by the Socialist party or any of its subdivisions or any of its members or any of its adherents and of everyone who ever called himself a Socialist. They have it all, and what do they produce before you, twenty, thirty, forty utterances and they ask you to judge the character of the Socialist party by these. What becomes of the thousands and hundreds of thousands, the millions of other expressions of the Socialist party which are not brought up here? Do you think you can get a real conception of the Socialist movement by reading these conglomerations, these collections of slip-ups, if you want, and nothing else; nothing of the whole literature, proclamations, speeches, statements of the Socialist party? Why, gentlemen, imagine, if you please; imagine I am a foreign correspondent in the United States and I am reporting back to my country conditions in the United States. I am perfectly truthful except that I select my material. I don't care for marriages. I don't care for births. I don't care for ordinary politics. I don't care

for the every-day life of the United States, but every crime, every murder, every assault, every lynching, every strike, every boycott, every political scandal, I report at once. I am absolutely truthful. In every case I am painstakingly truthful. What conception will they get on the other side? Why that the United States is a country in perpetual war. That it is the most lawless nation existing. Would that be correct? No. Would they have a right to arrive at those conclusions upon the basis of the testimony before them? Yes. Is the testimony false? Not formally so, but actually it is. It is true in the dry word. It is a lie in its soul and substance. And that is, gentlemen, the nature of the testimony before you. Think of it. To drag in here the one indiscreet article written by Victor L. Berger in 1909, eleven years ago. He is a man sixty years old, the editor of a daily paper, writing day after day, and he once in a moment of caprice or whim, as it may happen, writes one article which makes him the good-natured butt of his friends. It doesn't represent him truly. It isn't a very incriminating article if you read it knowing Victor L. Berger, but it contains some rather extravagant statements. Gentlemen, what professional writer doesn't have one such slip-up on his conscience in a career of thirty or forty years of daily newspaper work? That is brought up here. That is paraded before you. From that you are asked to infer not only that Victor L. Berger is a firebrand (and he is just the opposite), but that the party endorses and approves of that one little slip of his and that we stand for violent revolution. There is a man by the name of Perrin, who is engaged on the Call. He writes an article, a shocking article, I admit. We all admit it. We read it the next day and the telephone wire of the Call begins to get busy with inquiries. "How does an article of this kind come to be printed in the Call?" The man is fired, but the article is here and it is asked of you to make it a basis of your decision of the qualification, or the eligibility of these five men, who at that time were not of age and who at no time approved of the article, because the Socialist party distinctly dis-

approved of it. Then they produce every kind of gossip they can possibly get. There is a man who ran against one of these defendants and was beaten by him. Naturally he is somewhat sore and he has certain unfavorable opinions about his opponent. He is allowed to testify as to them. Then there is another man who goes around and heckles speakers and gets answers. He makes no notes. The speeches are oral. In due course he comes here and gives his version of them, and it goes. Finally they call an expert, an expert on Socialism, the only expert you gentlemen, counsel for the Committee, have called. You know Socialism by this time is not a dark mystery. It is a perfectly well-known subject. The libraries are filled with volumes on it. It is a science. It is taught in the colleges and universities as part of political economy. Whether you agree or disagree with it, it is there and it is a recognized science. You want authorities, non-Socialists. Why don't you call someone who has made a study of it, call the professor of any university, a non-Socialist, but who knows the subject—Professor Ely, Professor Commons. You do not. But there is a certain man, a professional anti-Socialist, who knows his Socialism from the various excerpts I have referred to and from talks with individual Socialists. He comes before you and you ask him what is the Socialist attitude on religion? "Oh, hostile." How do you know? "I spoke to thousands of Socialists about it." And if you don't believe him all you have to do is to call those thousands of unnamed Socialists in rebuttal. That is easy.

You might as well take a policeman who makes love to the maid of a great authority on geology and call him as an expert on geology because he knows all the kitchen gossip of the authority on geology. That is precisely what Collins did. Gentlemen, to all those who know anything about the subject, that is a joke. Before a serious body of this kind, in a proceeding of this importance, to introduce these anti-Socialist peddlers of rumors as an authority when you could have had so many competent authorities, by no means pro-Socialists

— people who have made a study of it and who have the proper qualifications!

The Chairman. — We will take a recess until two o'clock.

(Whereupon, at 12:35 P.M., a recess was taken until two o'clock.)

AFTERNOON SESSION, 2:15 P.M.

THE CHAIRMAN. — Proceed.

MR. HILLQUIT. — Mr. Chairman, I have been endeavoring at the outset of my remarks to prove to you that many of the charges, and much of the evidence before you, are irrelevant to the issues in this proceeding, and that they are outside and beyond the scope of your authority.

The fact, however, is that the charges have been made; that the evidence is on record, and I am, therefore, at this time to meet it — all the charges and all the evidence, and for the convenience of the presentation and discussion, I have summarized the charges under eight main heads.

They are as follows:

First: That the Socialist Party is a revolutionary organization.

Second: That it seeks to attain its ends by means of violence.

Third: That it does not sincerely believe in political action, and that its politics is only a blind, or camouflage.

Fourth: That it is unpatriotic and disloyal.

Fifth: That it unduly controls public officials elected on its ticket.

Sixth: That it owes allegiance to a foreign power, known as the Internationale.

Seventh: That it approves of the Soviet Government of Russia, and seeks to introduce a similar régime in the United States; and, finally,

Eight: That the Assemblymen personally opposed the

prosecution of the war and gave aid and comfort to the enemy.

I think you will find as we proceed in the discussion of these points, that every charge, major or minor, comes within one of these heads. I wish to call your attention at this time that the only charge against the Assemblymen individually, improperly introduced as we claim it to be, is the last or eighth charge. To this charge I expect my colleague, Mr. Stedman, to reply. Personally, I am concerned in this argument with the first seven charges. All of these charges, if you examine them carefully, are distinctly charges against the Socialist party as such. In other words, it is the Socialist party of the United States that is on trial before you. On its qualification to be a member of the political community of this country, your decision will depend. Hence, it is very important for your committee to know something more or less definite about this Socialist party which is on trial before you.

Socialism

We come thus squarely, Mr. Chairman and gentlemen of the Committee, to the question: What is the Socialist Party of the United States? What are its aims, and its methods? I think that it is highly important for all of you gentlemen to understand that, or at least our view of it.

It would be somewhat too simple, almost childishly naïve, to ascribe the Socialist movement in this country, in every country in the world, a movement which has sprung up many decades ago, a movement which has proceeded and is growing rapidly and steadily, a movement which is in control of a number of very important countries of Europe, I say it would be childish to ascribe it to the machinations, to the malevolence or malice of a few agitators determining to create a movement of opposition in order to raise disturbances.

A movement of such age and such achievements, as well as dimensions, must have some more real, some more

rational cause; and I believe that if the special Legislative Committee wanted to investigate into the cause and conditions of radical movements in this country — and your Committee also — would start with this inquiry: "What causes have produced the Socialist movement here or elsewhere," you would come very much closer to a scientific, satisfactory and rational solution of the question confronting you.

We Socialists differ from the other political parties in our first, and cardinal, assumption, which is that organized government everywhere has for its primary object and function to secure the physical, mental, moral and spiritual well-being of its members. We do not consider the government as a mere policeman, sitting over us and passing upon our daily quarrels. We believe the functions of the government are more substantial, more vital; and in that we really do no more than endorse, and perhaps extend, the very well-known declaration which the founders of this republic have made popular all over the world, and that is that the object of every government and of every people is to attain and maintain the right to life, liberty and the pursuit of happiness. To us, these are not phrases to be recited glibly on the Fourth of July. To us, this declaration is a living truth.

What we mean when we assert the right of the people to life is the right of the people to actually live; not merely to breathe, but to have the means of maintaining their lives; to have food, to have clothing, to have shelter, to have all the means to sustain modern civilized life.

When we speak of liberty we do not mean merely a condition outside of jail. We mean by it actual political and economic independence; the freedom of men from men; the equal freedom of all insofar as such freedom is compatible with the existence of organized government.

And when we speak of the right to the pursuit of happiness we mean the right — the concrete right — of every man, woman and child to sunshine, to air, to enjoyment, to amusement; to the blessings of civiliza-

tion; to the products of arts and science. We mean by it the right to enjoy life as fully, as nobly, as the best members of our community are privileged to do.

Starting out with these premises we say that neither our government nor any other modern government has at all achieved those fundamental objects or functions for which they have been organized.

We assert that every advanced country can to-day easily assure the physical, moral and mental well-being of every member of such country; that it can produce with the modern resources all the food, all the clothing, all the necessaries of life, and that it need not suffer any one, any member of the community, to go hungry or to succumb in misery in their daily existence.

Take our own country, the United States, and we probably have the most striking illustration of this proposition. Here is a great and powerful country, 3,000 miles wide, 3,000 long, blessed with every element of natural wealth. The land is abundant, mostly fertile. It yields products of practically every clime and yields them in abundance. We have inexhaustible wealth of metals and minerals and forests; we have coast lines on both sides from one end of the country to the other. We have ports and waterways, and we have an alert, active capable population of about 120,000,000, of whom the vast majority are ready and eager to lend a hand in the production of the wealth required for the sustenance of the life of the nation. We have developed the modern processes of wealth production to such an extent that we can create to-day ten times, in some cases 100 times, more than our fathers or forefathers could with the same effort, and we have an industrial organization the like of which history has never known. If all this wealth, if all these resources, if all these great industrial factors had been scientifically, rationally and reasonably organized, there is no reason in the world why there should be slums in any of our cities, why there should be under-feeding of children, and appalling child mortality, why there should be want, why there should

be misery, why there should be those ghastly struggles for existence going on in the heart of this country day after day everywhere.

Capitalism

But our country and our industrial system are not organized rationally. In fact, they are not organized at all. The people of this country, as the people of every other country, do not own their country, and that is the fundamental indictment of Socialism against present conditions. It is not the people of the United States — the one hundred and twenty million men, women and children who constitute that people, that own the United States.

There is the tremendous stretch of land, a large slice of the surface of the globe, that if anything, should be the common heritage of all those who live on it, but it is not. It has been parceled out into lots and plots, and turned over by the gradual processes to a comparatively speaking, small number of landowners, who own the surface of the United States, and by whose permission the rest of the people who own no land, the vast majority, are tolerated upon the surface of this country.

And when we come to the natural wealth below the surface of the earth, the vast stocks of minerals and metals, the stocks which a benevolent Nature has created in the course of many thousands of years, and upon which today we depend for our light, for our heat, for our energy in the production of wealth, we find another group, and a comparatively small group, of our fellow citizens who hold that against the rest of the whole country, and say, "this is ours; the Almighty God has not meant the sources of life for the people who need it for their lives — no, he has reserved it for us to turn it into franchises, to capitalize it into stocks and bonds, to derive profits, and make our individual fortunes on it"; and so, with the oil wells, and so with the great arteries of trade and commerce and life in this country, the railroads, and so with our factories, with the marvellous

machinery of modern production created by the agency of many, many generations past as well as present, and the natural heritage of all men. They are owned by a small minority, comparatively speaking, a handful of the people who hold it as against the rest of the country.

So that the situation is this, for the majority of the people, the working class of the United States: they stand there to-day ready, willing, eager and capable of turning those natural resources, that raw wealth, into consumable products for themselves, their wives and children, to turn it into food, into clothes, into dwellings, to turn it into other necessaries. They cannot do it at this time without the use of modern implements of labor; that they cannot do it without the natural resources, the raw material, and between them and these sources of their lives stands that small capitalist class and says, "Hold on, this is ours, the land and the fullness thereof, the land and all above it and all below it, is ours, and if you want to live, if you want to eat, if you want to work, you must first secure a license from us and such license we shall not give you unless you stipulate to pay us a tribute, unless you stipulate to turn over to us for our personal profits a large and substantial portion of the product of your toil."

The great masses of the American people, as the great masses of the people in every modern country, are held in submission to this small class of industrial autocrats. They work or they starve, according to the dictate of that class. If a time arrives when it does not pay the owning class to continue the operation of the industries of the country, they are not responsible to anybody for continuing it. They shut their factories, their mines and mills, they throw millions of workers out of employment, cause the direst poverty, because it suits their business ends, and the whole country stands there, powerless to interfere with this industrial autocracy; absolutely impotent to assert its own will. Again it bows.

And so we have all the social evils of modern days resulting from this condition; the few millionaires and

multi-millionaires, and the millions and millions of men, women and children whose whole life is one of toil and privation; who are deprived of all joy, all sunshine, all life in the true sense of the term. And so we have the class of the idle, who take pleasure after pleasure without rendering any useful service to society; and on the other hand, the children of the poor beginning their lives — their joyless lives — in the factories, at a tender age, growing up stunted physically and mentally, making miserable citizens, a weak foundation for the hope of future generations.

We have made that indictment; we have made it more than once, and once in a while, we are met with this lucid statement, "Well, if you don't like this country what is there to hold you? Take the first ship and go elsewhere." There has been even some implication of an argument of this kind in the course of this hearing, and I want to take this opportunity to say and to assert that an argument more silly and more immoral has never been advanced. I say "silly" because it isn't the United States alone in which these conditions prevail. They prevail in every modern country. Our complaint is not specifically against the régime or system of the United States. It is an indictment of the whole civilized or capitalist Society.

And then again, "Leave this country; go to a country that suits you better." Just think of that argument, gentlemen. Suppose in this city of Albany you have by misfortune a corrupt, incompetent administration on account of which you find your streams polluted, the sanitary conditions neglected, your health menaced, your existence poisoned. A number of citizens get together and protest against these conditions and against this administration and its misdeeds and the political ring turns to such protesting citizens and says, "Gentlemen, if conditions in Albany don't suit you there are plenty of other cities in the United States. You may go elsewhere."

Suppose, to take another illustration, you and I and somebody else have entered into a partnership in business and have given our joint efforts to the business for

years and years. At a certain moment I, as one of the partners, discover that another partner of mine has been inefficient, perhaps dishonest, that the business is suffering, going bad, our joint interest being gradually destroyed. I try to introduce reforms in our business management and methods and the very partner who profits by his own dishonesty turns to me and says, "If you don't like the way we conduct this business there is nothing to hold you in this partnership; you can get out." You wouldn't consider this a good argument, and so exactly does the other argument present itself to us. Gentlemen, bear in mind once and for all that we take the position that America is ours just as much as it is yours; that America is ours just as much as it is that of any other class of persons or individuals in this country. These men, here, these five Assemblymen under charges, come here as representatives of many thousands of workmen who have given their youth, probably the greater part of their lives to the enhancement of the wealth of this country, who have been instrumental in building up this country, in making it what it is, great and powerful and prosperous, and these men have a right to say to-day that the wealth which they have helped create be equitably distributed and that the workers have a proper share of it and a proper share of life. They are not going to quit this country. They do not have to quit this country any more than you. They propose to stay. They propose to contribute the best that is in them for the advancement, for the benefit, for the betterment of this country and also for the bringing in of a better, juster social system of wealth production and wealth distribution.

Had it been merely an economic question perhaps it would not have been so vital, but it isn't a purely economic question. It is very much more than that. It goes to the very substance, to the very life nerve of our national existence. You see this condition, the condition of the small class owning the country, and a large populous class working for it, has created what we have referred to here in the evidence, from time to time, as the

class struggle, and we have been foolishly charged with fomenting that class struggle. Do you know, gentlemen, we are the only political party that not only is not fomenting class struggles but tries to eliminate all classes and all class struggles. But the fact of the matter is that, under present conditions, there is nothing but a struggle of classes in the country. You may not call it struggle; you may call it antagonism, but it is a persistent and vital antagonism.

And it operates throughout the entire field of our life and economy. It exists between employer and worker everywhere, whether it expresses itself in strikes or walkouts or blacklists or in no overt acts at all; and whether the personal relations between employer and employee are very bitter, or on the contrary very friendly. The fact of the matter is that the employer, under present conditions, must see to it that he makes profits, must see to it that he pays as little in wages as he possibly can, and that he gets as much out of his worker as he possibly can. It is the law of present economics. It would mean business extinction if he were to follow it.

The worker who has nothing but his labor power must, whether he wants or not, see to it that he gets every dollar of wages he can; that he conserves his energy — his only property — as much as possible; and between these two opposing interests there is, and must be, a constant conflict. There is warfare between employer and employee; there is a constant competitive warfare between capitalists of different classes, and within each class separately. You know all about it. You know the history of our great financial and industrial institutions. You know how they have been built up on the ruin of smaller industrial concerns. You know how they have been devouring their smaller brethren. And there is just the same war between worker and worker, because whenever, in times of industrial depression particularly, a job is open, there are hundreds of workers looking for it, each one eager to get it, each one — or most of them — having wives and

children to support; each of them ready to take any pay so long as he is allowed the privilege of working and earning some wages, and underbidding each other and cutting the wages against each other and bringing children from their homes to work and compete with the adults and bringing their wives into the factories to compete against the men — all because necessity compels them.

And there is antagonism between landlord and tenant; there is antagonism between producer and consumer. It is not an industrial system operated for the benefit of all the members of the community. It is a system of strife and violence, where each is engaged in war against all, and all against each.

And in this war of interests, every class and every individual of necessity tries to exert the greatest possible power in its, or his, behalf: and so it comes that the capitalist classes, the most powerful classes, in order to maintain their supremacy, go into politics and see to it that their interests are in control of the government and all its departments as much as they can. All we have been hearing and saying about political corruption and machinations in this country in the last decades — and many volumes have been written on the subject — have had their mainspring in this desire of the privileged classes to maintain their privileges against the people; and all the corruption of our schools and of our presses and of our public institutions — of which there have been many and various public indictments — had their mainspring in the same source.

This is not a mere Socialist contention. No! It is borne out by the naked facts and conditions in this country. Only so far back as 1914 the Industrial Relations Commission — a Commission appointed by the President of the United States and composed of men who may be considered more or less neutrals in the class war, and at any rate not Socialists — found and published the following illuminating facts:

Speaking of certain industrial communities dominated by corporations, they say: "In such communities demo-

cratic government does not as a rule exist except in name or form, and as a consequence there now exists within the body of our Republic industrial communities which are virtually principalities, oppressive to those dependent upon them for a livelihood and a menace to the peace and welfare of the nation. The wealth of the country between 1890 and 1912 rose from \$65,000,000,000 to \$187,000,000,000, or 188 per cent; whereas, the aggregate income of wage earners in transportation and mining and factories has risen between 1890 and 1909 only 95 per cent. It was found that the income of almost two-thirds of these families was less than \$750 per year, and almost one-third were less than \$500; the average for all being \$721. The average size of these families was 5.6 members. Elaborate studies of the cost of living made in all parts of the country at the same time have shown that the very least that a family of five persons can live upon in anything approaching decency is \$700. It is probable that owing to the fact that the families investigated by the Immigration Commission were to a large extent foreign born, the incomes reported are lower on the average than for the entire working population. Nevertheless, even when fair allowance is made for that fact, the figures show conclusively that between one-half and two-thirds of these families were living in a state which can be described only as abject poverty.

It has been proved by study here and abroad that there is a direct relation between poverty and the death of babies; but the frightful rate at which poverty kills was not known, at least in this country, until very recently, when, through a study made in Johnstown, Pa., the Federal Children's Bureau showed that babies whose fathers earned less than \$10 per week died during the first year at the appalling rate of 256 for every thousand. On the other hand, those whose fathers earned \$25 per week or more died at the rate of only 84 per thousand. The babies of the poor died at three times the rate of those who were in fairly well-to-do families. The tremendous significance of these figures will be appreciated when it is known that one-third of all the adult workmen

reported by the Immigration Commission was earning less than \$10 per week, which is exclusive of time lost.

On this showing of Johnstown, these workmen may expect one out of four of their babies to die during the first year of life. The last of the family to go hungry are the children, yet statistics show that in six of our largest cities from 12 to 20 per cent of the children are underfed and ill-nourished. The most alarming condition is that of the rapid growth of tenant-farmers — in 1910, in each 100 farms in the United States 37 as compared with 28 in 1890, an increase of 32 per cent during 20 years.

Between one-fourth and one-third of the male workers, 18 years of age and over, in factories and mines, earn less than \$10 per week. From two-thirds to three-quarters earn less than \$15, and only about one-tenth earn more than \$20 a week. This does not take into consideration loss of working time for any cause."

Then follow the final observations, which are so very eloquent, so very telling, that I should like the Committee to retain it. "The rich, two per cent of the people in the United States, own 60 per cent of the wealth. The middle class, 33 per cent of the people, own 35 per cent of the wealth — that is approximately the average. The poor, 65 per cent of the people, own 5 per cent of the wealth." That is a telling story. Sixty-five per cent of the people — over 75,000,000 people of the United States together own one-twentieth part of its wealth, and if you will exclude the highest strata of these workers, if you will reduce it, say, to 50 per cent, or a little more, that is half of the people of the United States, you will be justified fully in saying that they own practically nothing in this world; that this country with its wealth, to which they have contributed by their toil, has not given them any return of any kind, and that they face the dread of starvation from day to day.

"This means," says the report in brief, "that two million people who would make up a city smaller than Chicago own 20 per cent more of the nation's wealth than all the other ninety millions of the country." Then, to

prove the extent to which concentration has gone, the report makes this interesting observation. "There is at least one individual, one out of the 110,000,000, who owns approximately one billion dollars in wealth. The average wealth of the working people is \$400 per head. Hence, this one individual owns as much as two million and one-half workers in the country." And bear in mind, gentlemen, that was the condition in 1914, before the war. Since that time conditions have become incomparably worse and the contrast very much greater. In that year there were only seventy-five hundred millionaires in the United States. Today we count about thirty-five thousand, more than four times the number. The cost of living since 1914 has more than doubled. Wages have not kept pace. The picture so eloquently sketched by this report of the Industrial Relations Commission is rosy, as compared with conditions as they exist today.

Now then, in view of that, the Socialist Party says that there is nothing wrong with this country or its people except the industrial system. The Socialist proposes as a remedy for this evil the nationalization of the country's principal industries. They say it is altogether wrong; it is immoral, if you want, to allow such a vital function as feeding the people and maintaining them in health, to be carried on by a group of irresponsible capitalists for their private profit and aggrandizement without any concern for the men, women and children who have to be fed day after day, and who often die from mal-nutrition. We say it is an absolute wrong to allow the great industry of clothing, of sheltering the people of this country to be carried on by individual capitalists or profiteers for their own private interests. We say this country, as every other country has it as its first concern to see to it that the wealth which an Almighty nature or Providence has placed within their reach, which an industrious people have increased a hundred fold by their efforts, and which generations and generations of thinkers, inventors and workers have brought to the present degree of perfection, shall be the common heritage of the whole people. We say it is the duty of every self-respecting, rational people

organized in a proper way and on a civilized basis, to take these life-sustaining agencies out of the hands of private individuals, out of the realm of speculation, out of the chaos of competition that rules and ruins at the same time, and turn it over to the people to organize it properly, to organize it rationally, scientifically, to organize it with a view of eliminating waste, to organize it with the view of producing the maximum of wealth and distributing it as equitably as possible among all of the people.

This is the program of the Socialist party. It is not a thing we have adopted just here or within the last years. It is the program upon which our party has been founded many, many years ago. It is the program which has been underlying all of our activities, ever since the existence of the Socialist party. And if you want, you may call that a revolutionary program. It is revolutionary, and in that sense, we the adherents of that program, we Socialists, are revolutionists. We don't object to the term. We glory in it. So long as the end sought to be accomplished by us is commendable, is for the welfare of humanity, we don't care how you label it. But we ask you, gentlemen, and we ask those who framed the charges against us, since when is it that the term "revolution" or "revolutionary" has become a term of opprobrium, in a country which owes its existence to a successful revolution? Since when has the doctrine been proclaimed in this country that a change, a fundamental, radical, revolutionary change in our mode of government, in our mode of life, is not permissible so long as the people wish to introduce it? There has been a very characteristic incident in that connection. You remember when Mr. Littleton opened this case in a very eloquent address, he took me to task for having said this. "What is treason today may become the law of the land tomorrow." And he said to you by way of warning, "It will, if you let traitors write your laws." It seemed to be an eloquent argument but what it revealed is that my good friend Mr. Littleton and those of the same social and economic school with him have gone to the point

where they already consider the fundamental law of this land, the constitution of this country, with its bill of rights, and the Declaration of Independence, as traitorous. They are ashamed of it; they discard it. Aye, they don't have the courage to repeat it all. Mr. Littleton on that occasion read from the Declaration of Independence, and he read only a portion of it which I shall repeat to you. He said, quoting the Declaration of Independence, "We hold these truths to be self-evident, that all men are created equal and endowed by their Creator with certain inalienable rights among which are life, liberty and the pursuit of happiness; that to secure these rights governments are instituted amongst men deriving their just powers from the consent of the governed." And he stopped right here and stopped dead because he did not dare to read what follows, and what follows is: "Whenever any form of government becomes destructive of these ends it is the right of the people to alter or to abolish it and to institute new government, laying its foundations on such principles and organizing its powers in such form as to them shall seem most likely to effect the safety and happiness," — well, gentlemen, we are here to remind you that this eloquent sentence is a legitimate and organic part of our Declaration of Independence just as the part read by Mr. Littleton and we say to you that we believe, sincerely believe, that the present form of our industrial system, our industrial régime, has become destructive of the very ends proclaimed as inalienable rights in our Declaration of Independence; that life, liberty and the true pursuit of true happiness have become impossible today under the prevailing iniquitous, economic system, and we say that we have the right and that we have the duty to demand that this system, this pernicious system, be altered; that it be abolished, and that the people of the United States form a new industrial system, basing it upon such principles, upon such conceptions, as they, the people of the United States, not Mr. Littleton, not counsel for the other side, not even you gentlemen of the Committee or members of the Assembly, deem proper, but the people as the people, the people as a whole, deem proper.

That is all there is to the first point or charge against us, that we are a revolutionary party.

The Chairman. — We want to suspend for 15 minutes.

Mr. Hillquit. — I shall be very thankful.

(Whereupon, at 3:15 P.M., a recess was taken for 15 minutes.)

AFTER RECESS.

Violence

THE CHAIRMAN: Proceed.

MR. HILLQUIT: The first charge, Mr. Chairman, to which I addressed myself before adjournment—the charge that the Socialist party is a revolutionary organization—acquires real significance and legal importance only in connection with the second charge, namely, that the Socialist party seeks to attain its ends by means of violence; and I take it that this Committee will proceed upon the theory that if we advocate a change, no matter how radical; so long as we advocate it by peaceful, constitutional and lawful means, we are within our rights. If we advocate it by means of violence, by illegal and unlawful means, then, of course, we become lawbreakers. The charge that the Socialist party advocates a violent change is contained in the resolutions of the Assembly and in the supplementary charges in the following form:

First, that the Moscow Internationale is pledged to the forcible and violent overthrow of all organized governments existing.

Second, that the Socialist party has endorsed the principles of the Moscow Internationale, therefore, by inference also the policy of overthrowing all forms of government by violence, and by a second inference, also overthrowing the government of the United States by violence.

In the Chairman's statement this is somewhat amplified by the charge that the Socialist party strives to foment unrest and "to bring into play force, violence and direct action of the masses." In the course of the testi-

mony the general strike has been added as one of such charges. Then, also one portion, or paragraph, of the St. Louis Resolution was introduced into the evidence in support of this charge. The portion reading, "The only struggle which would justify taking up arms is the class struggle against economic exploitation and political oppression."

Now, the testimony on both sides has been pretty clear on the subject. The prosecution has sought to establish this point principally by inferences. I think I shall not be contradicted if I say that they have not read a single official party declaration or any other authoritative Socialist statement advocating violence as a means of attaining the Socialist ends. It has been rather a matter of innuendo and inference from certain scattered utterances here and there as against all the testimony of all Socialist witnesses, which has been perfectly definite and consistent. I shall say to you now, gentlemen, that there was not on this point, nor on any other point, a desire on the part of the Socialist spokesmen to cover up or conceal anything in their program. They have been perfectly frank. To conceal or to cover up any part of the Socialist program would go directly against the Socialist interests and the entire existence and aims of the Socialist movement.

Our is a movement of propaganda. We are a minority party. Our object is to convert the majority of the people to our views. Consequently, we must advocate our views publicly. To hold certain views and conceal them would be diametrically opposed to the purposes of the Socialist party. If we had assumed that anything in our program is such that we cannot stand for it publicly, what object would there be having it in our program as a part of our propaganda? I don't know whether I make myself clear. As a political party, we are not paid or hired to stand for certain things. We stand for the things which we believe to be true, and for the things that we stand we always make public propaganda. In other words, we are never in a position to deny any part of our program.

On the question of violence in connection with the Socialist propaganda, we have made it perfectly clear that we wish to introduce a radical, economic and industrial change. A change of this kind cannot be introduced by methods of conspiracy. It cannot be introduced by acts of daring or violence of a minority. Because it means a process of social or economic evolution. If it were a question of an old time revolution, having for its aim the deposing of one sovereign and electing, or proclaiming another sovereign; or even for that matter, deposing a dynasty and proclaiming a republic, perhaps a few conspirators could undertake the task and get away with it; but to transform the economic basis of society; to socialize all the principal industries of the country and to organize the whole working community as a public instrumentality for the operation and management of such industries, how can that conceivably be accomplished by conspiracy or by violence?

We Socialists, as strong believers in social evolution have always been the first to decry and ridicule the romantic notions of changing the fundamental forms of society, the economic basis of society, by acts of violence or by conspiracy; and as has been brought out in this testimony, in the very early days of the Socialist movement — in the days of the First Internationale this was the bone of contention between the Marxian Socialists on the one side, and the Bakunin anarchists on the other. Our position is a simple one. We say we are striving for the industrial transformation of society and the political changes which, of necessity, must accompany them.

When we say "we," we mean the Socialists of all the world. Now, of course, there are cases where there is no way except the way of violence for political changes. For instance, absolute monarchies with no parliamentary systems of representation, no ballot boxes to introduce innovations in governmental systems. Say, Russia, under the Czar, even before the days of the Duma. What kind of change could the people of Russia accomplish politically, economically, or otherwise, except by overthrowing the Czar? They could not vote the

Czar out of office because they couldn't vote. They could only throw him out physically. In an instance of this kind, of course, whether we say it, or don't say it, everybody of any political sense knows that where there is no medium of popular expression; where there is nothing but a system of repression, violence alone will change that system. Let me give you another example. There was our own Revolution. What was the situation? The majority of the people of the Colonies wanted certain changes, at first not even independence; later independence from England. Could they accomplish it peacefully? No. Why not? Because they had no voice in the matter. They could not determine their own destiny. They were subject colonies. Their policies and their life were directed from England. Consequently they could only emancipate themselves by a physical act, by simply saying "We shall no longer be your subjects," and taking the consequence of a war. The Revolution was not accomplished by parliamentary methods because such methods did not exist. But where there is a machinery for righting of grievances, for changing of governmental forms, we Socialists say that that is the method which we adopt. That is part of our program. At the same time we cannot blind ourselves to history. We cannot ignore the fact that in actual practice revolutions, changes, fundamental, governmental and economic changes, have often been accompanied by violence. We say that in most cases the violence has come not from the victorious majority but from the defeated minority. In most cases it has been forced upon the majority. And we have cited a number of such cases to you. Now, we say the Socialist Party is not a party of non-resistance and we say further, the hypothesis having been placed before us, that if a majority of the people of this country were to vote for a Socialist change in the form of government and the capitalist minority were to attempt force to prevent them from coming into their lawful inheritance, we would repel or advise repelling such force by force. Did you expect a different answer? Would any Amer-

ican make a different answer? No. And that is all there is to the theory of violence in the Socialist movement.

Notwithstanding all the disjointed fragmentary statements that sometimes have been made in the course of an impromptu speech, or perhaps in an ill-considered article, I say there is absolutely nothing as definite, as concrete, as conclusive as this position of the Socialist Party. In order to clinch this argument, gentlemen, I want to read to you a few very brief passages from a little booklet of mine which is in evidence here, "Socialism Summed Up," not because I want to quote myself as an authority, but because, and I want you to bear this in mind, gentlemen, this book was written before these Assemblymen were suspended, before we had any idea of ever being called before any bar to defend the political tenets of the Socialist Party. It was written both for the purpose of making converts and, of course, you do not make any converts unless you place your actual position before them; and also for the purpose of enlightenment of our young party members.

It has been officially published by the national office of the Socialist party. It has been circulated in many, many thousands all over the country. This, having been written at a time when it could not have had for its object controversial points surely states the true position of the Socialist party on that subject. It is as follows: "The introduction of the Socialist régime depends on two main conditions. First, the economic situation of the country must be ripe for the change." Bear that in mind, gentlemen. We do not claim that we can go to Zululand to-day and organize a Socialist party, or a Socialist movement, because economic conditions are not ripe for it. We do not maintain that we can introduce a Socialist régime before the economic conditions of a country are ripe for it, and we must wait for such point to be reached.

"Second, the people of the country must be ready for it." The people of the country, not a small minority party, not a group, but the people of the country.

The first condition takes care of itself. The task of the Socialist movement is to bring about the second condition, and it is this aim which determines the methods and practical program of the movement.

Whether the Socialist order is to be ushered in by revolutionary decree or by a series of legislative enactments or executive proclamation, bearing in mind, of course, the conditions in the different countries, "it can be established and maintained only by the people in control of the country."

"In other words, Socialism, like any other national political program, can be realized only when its adherents, sympathizers and supporters are numerous enough to wrest the machinery of government from their opponents, and to use it for the realization of their program."

Does that sound like a conspiracy to overpower the government of the United States and overthrow it by force and violence? But to make it still clearer: "Modern Socialists do not expect the socialist order to be introduced by one great cataclysm, nor do they expect it to be established by a rabble made desperate by starvation. The Socialists expect that the coöperative commonwealth will be built by a disciplined working class, thoroughly organized, well-trained and fully qualified to assume the reins of government and the management of the industries. Next to the education of the workers in the philosophy of Socialism, the prime task of the Socialist movement is therefore the political and economic organization. The Socialist movement of each country presents itself primarily as a political party."

And again: "The objective point of the Socialist attack is the capitalist system, not the individual capitalist. The struggles of the movement represent the organized efforts of the entire working class, not the daring of individual leaders or heroes. The intellectual life of the working class is determined by the training of the men and women constituting that class, and not by the more advanced conditions of a small group of it. A country may be educated, led and transformed into

socialism; but it cannot be driven, lured or bulldozed into it. The Socialist's conception of the world process is evolutionary, not cataclysmic. Socialism has come to build, not to destroy. This is the accepted position of the modern Socialist movement."

Now, gentlemen, I want to say that if, in print and publicly, I referred to this position as the accepted position of the modern Socialist movement, it certainly was the accepted position of the modern Socialist movement, for I could not afford in the face of the opposite, to write that sentence.

Then: "The accepted position of the modern Socialist movement is, however, not to be taken as an assurance, or prediction, that a Socialist victory will in all cases" — that means in all countries — "come about by orderly and peaceful methods, and will not be accompanied by violence. It may well happen that the classes in power here or there" — that means in one country or another — "will refuse to yield the control of the government to the working class even after a legitimate political victory. In that case a violent conflict will necessarily result, as it did under somewhat similar circumstances in 1861; but such spectacular and sanguinary outbreaks which sometimes accompany radical economic and political changes are purely incidental. They do not make the Social transformation. Thus in England the revolution which transferred the actual control of the country from the nobility to the capitalists was accomplished by gradual and peaceful stages, without violence or blood-shed. In France the same process culminated in the ferocious fights of the great revolution of 1789; but who will say that the transition in England was less thorough and radical than in France? As a matter of fact, street fights do not make a social revolution any more than fire-crackers make the Fourth of July."

Now then, gentlemen, I think our position on the subject could not be made clearer than it has been made.

Another point was tacked onto this proposition, namely, that we advocate mass action and the general strike, and I shall say a very few words on that sub-

ject. The phrase "mass action" occurs quite frequently in our phraseology. What we mean by it, gentlemen, is the opposite of what you impute to us. We distinguish between mass action and individual action. Mass action is organized action of the people. Political action is mass action. Organized strikes are mass action. Individual attempts, individual assassinations, individual acts of sabotage are not mass action, and we deprecate them. The mass action we have in view is the legal organized action of large masses of the community.

And as to general strikes let me state our position: As a matter of history, the Socialist Party of the United States, together with the greater number of Socialist organizations in the world, has always consistently rejected the idea of a general strike for political purposes; and our argument has been that if we have a number of workers in a parliamentary country, determined to the point of striking for a political reform, it is strong enough and numerous enough to cast its votes for such reform and the strike becomes unnecessary. If the working class is ready to go to the limit in such demand, it is ripe for them, and if it is ripe, we do not need the general strike. If it is not ripe, there will be no effective general strike.

The first and only endorsement of the general strike method by the Socialist party in the United States is contained in the proclamation in connection with the U-boat warfare, which has been read here several times. At that time under special pressure the Socialist party declared its opposition to the war not yet declared to be so strong as to sanction even a general strike for its prevention. Now, gentlemen, we maintain that a resolution of this kind, whatever view you may have of its political wisdom, was perfectly legal, that we had a right to adopt such a resolution — and I shall say more regardless of the attitude of the Socialist party on general strikes for political purposes — I will say that the workers of this country have such right, and that it is well that they should at least hold it in reserve as a possible instrument in some cases, in exceptional emer-

gencies. When Mr. Lee was here on the witness stand he was questioned very closely, very adroitly by Mr. Conboy — “Under what circumstances would you admit the necessity or propriety of a general strike?” Mr. Lee gave some instances. I will say that the general strike is very often used, has been used abroad for the purposes of enforcing parliamentary action or political action, and I can well imagine such concrete instances now. Let me give you this hypothetical instance. A labor party is now being formed at least in some parts of the country. Suppose the workingmen of any state get together and say, “We want to form a party of our own; we are not satisfied with the way the representatives of the old parties are legislating on labor matters. We want our own representatives to come into legislative bodies and to voice our demands, our aspirations, our interests. We want them to speak for us by our mandate,” and suppose an election is held and being confronted with all sorts of election frauds, they still manage to elect a few representatives, and those representatives come to the legislative body and their working constituency is waiting and watching, hoping that at last their own direct representatives will speak for them in the halls of the Legislature, and suppose a big capitalist in the same Legislature thereupon gets up and tells them, “Look here, gentlemen, I don’t approve of your program, of your principles, of your platform. Get out of my Legislature.” I say this would be eminently a case where the workers would be justified in declaring a general strike until such time as their constitutional rights are accorded to them.

I should not be surprised if there ever does arise a condition of this kind on a large scale that that will be what will happen. We do not apologize for that view. We have a right to safeguard the political rights of our constituents, and of the people, by every legal means without exception, and the general strike for such purpose is one of such legal methods. It has been recognized in every civilized modern country.

I hope personally that the occasion may never arise where it shall be necessary to be resorted to in this country, but if it should, the workers have a full and perfect right to use it for the protection of their interest.

Politics

The next point made against us is somewhat analogous to this. It is the point, that the Socialist party is a political party only in appearance, but that as a matter of fact it does not believe in politics; that its politics are only a blind and camouflage. This charge is contained in the Chairman's statement, that the nomination and election serve only to disguise and cover up our true intent and purpose to overthrow the government peaceably or forcibly; also in the very eloquent statement of Mr. Littleton that we are "masquerading as a political party": and finally, in a few statements quoted from our platforms and declarations, such, for instance, as that the reform measures advocated by us are merely preliminary to the realization of our whole program, or that our politics is only a means to the end.

Now, gentlemen, it requires a great legal acumen to construe upon the basis of these statements a theory that we really are not a political party. Is there a political party, anywhere in the world, a true political party in its prime and vigor that does not consider politics as a mere means to the end? Every political party is supposed to have a platform. Its end is the realization of such platform. The means are politics, office, control of government. It is only when a political party degenerates into an office and patronage-holding concern that politics becomes an end in itself. When the Republican party was organized first it had a great mission to perform, no doubt, and politics was the means to the performance of that mission, to the attainment of that end; and we Socialists tell you, Of course, we are not in politics for the purpose of giving Claessens, Waldman, Solomon,

deWitt and Orr offices at the remunerative salaries of \$1500 a year. We are not in politics for spoils — decidedly not. To us politics is only the means to the end; and the end is the introduction of the Socialist system of society which I have outlined before.

I should go a little further, gentlemen, I should say this: that the charge is frivolous. The mere fact that these five men, members of the Socialist Party, elected on the Socialist ticket, come here seeking office, is absolute and incontrovertible proof of the fact that the Socialist Party is a political party. Groups and movements that do not believe in politics as an instrument of social improvement, do not engage in politics. You never find an anarchist group nominating for public office or voting for public office, or sending representatives to legislatures or other political bodies. The Socialist Party, which adopts a political platform, nominates candidates, votes for them, sends them here, certainly is a political party.

I was a little amused when we had Mr. Waldman on the stand here and he described the methods of the Socialist delegation in this Assembly: how they came together and first took up their political platform in order to ascertain the pledges or promises upon which they had been elected, and then said, "It now becomes our duty in pursuit of our pre-election promises to the electorate to attempt to enact legislation along these lines," and then assigned different tasks to each one, and each of them spent days, and sometimes weeks, in studying the subjects; then introduced bills and followed them up and tried to get them out of the committee, and on the floor of this House. I was asking myself in the face of these uncontroverted facts, is it really the charge that they are not enough in politics that worries our opponents, or is it perhaps the opposite? Are they perhaps too much in earnest about their politics for the health and comfort of their opponents?

I can not take seriously the charge that their politics is a sort of camouflage. If an Assemblyman of the Socialist Party came here not to introduce a bill but a bomb;

if an Assemblyman of the Socialist Party came here not to debate, but to shoot;* if he came here to commit acts of violence instead of legislating; if there had been any such record on their part I could conceive of the justice of such a charge; but the very record of these men proves that they and their party take their tasks seriously, and again, I shall read you, very briefly, a quotation from the same booklet to define our position on politics. It is this:

"In the Socialist conception, politics is only a means to the end. Temporary and local political power is valuable mainly as affording an opportunity for economic reform and the final national political victory of the workers will be of vital importance only as a necessary preliminary to the introduction of a system of collective and coöperative industries. A general political victory of the workers would be barren of results if the workers were not at the same time prepared to take over the management of the industries. The Socialists, therefore, seek to train the workers in economic no less than in political self-government. It is for this reason that the movement everywhere seeks alliance with economic organization of labor, the trade unions and the coöperative societies."

In all kindness towards our opposing political parties, the Republican and Democratic, I want to say that in the Socialist program and in the Socialist activities, politics holds a much higher and nobler place than in the conceptions and tactics of the old parties. Just because we consider politics as a means to an end, just because we consider politics as an instrument of social betterment, just because we consider politics an educational function and not merely an office hunting or spoil dividing process, not merely a pedestal for personal elevation, I say, we, the Socialists, are genuinely and properly a political party and more so than the other parties.

And then again in order to vary the subject somewhat,

* An allusion to a member of the Judiciary Committee, who declared on the floor of the Assembly that the Socialist Assemblymen, if guilty, should be shot.

comes the next charge, namely, that the Socialist party is too much of a political party. You say in the former charge our politics is a camouflage, that we are not a political party at all, and in the next charge you say that the Socialist party is too much of a political party, that it dictates the policies and actions of its members elected to public office. The consistency of the two charges is not very obvious to me, but they both are here and we shall discuss the second now — that the Socialist party unduly controls public officials elected on its ticket. That is based upon several pieces of evidence before you. One is the pledge which every Socialist in becoming a member of the party, takes, namely, to be guided by the Constitution and platform of that party in all his political actions. The second is contained in the State Constitution of the Socialist Party, and is to the effect that a member of the party may be expelled or suspended if he does not comply with the directions given to him by the dues-paying membership of the party. The third is the provision in the same State constitution that every candidate of the Socialist party for public office should sign an advance resignation.

I must confess I cannot clearly see the force of these objections or the contentions based upon them. The promise to be governed in political policies by direction of a political party is not an improper promise, not prohibited by law, statute or constitution anywhere.

There is a very distinct prohibition against making promises of any things of value in consideration of securing the vote of the voters. That is all. There is no other prohibition. And it seems to me we have drifted into a very peculiar line of reasoning in this connection. In the first place, as it appears from the record, the Socialist party representatives are probably the most unhampered representatives of any party. The fact of the matter is, first, that advance resignations are not as a rule required of candidates of the Socialist party. Only two instances have been mentioned, one, that of Mayor Lunn, who admitted that it applied only to his first term and not to his second term, or the

third time when he ran, I believe, on the Socialist ticket; and then Mr. Collins referred to some occasion in some town in Ohio, of which nobody knows and which could not be verified. But the uniform testimony of our National Secretary, our Secretary in New York, the elected officials themselves, all given solemnly under oath, is that in no instance within years and years has the practice been followed.

Now, gentlemen, we have introduced that evidence because we wanted the fact established; but it is not important. Suppose such resignations had been signed by candidates for office on the Socialist Party ticket. As it happened, they would have had no value because, of course, everyone can withdraw his own resignation before it has been acted upon. You all know that. But even if it had a binding force, it would have meant only one thing, and that is that a candidate elected on a Socialist party ticket agrees to carry out the platform and pledged promises of the Socialist Party or quit the Socialist Party, be fired out of it, if he does not comply with it.

I want to call your attention, Mr. Chairman and gentlemen, to one phase of it: all through the proceedings there have been eloquent speeches about the "oath" that the Socialist party members take to their organization and to their Internationale as against the constitutional oath. There is not any oath being taken, nor has there ever been any oath taken by any member of the Socialist party in any way. They merely subscribe, in their application, to the ordinary, natural — even implied — obligation to live up to the Constitution and principles of the party while they are members of the party. If they do not, they are thrown out. What concern is that of yours? Every party, every organization, has a right to say they will tolerate a member as long as he complies with their constitution, and it has nothing to do with you, whether they are fired out of the party or not. But the fact of the matter is that this voluntary obligation cannot be weighed against the only oath the defendants have taken, the constitutional

oath of office, when they came to the door of this Assembly.

There has been very little direction by the Socialist party, it appears, during the entire period of existence of Socialist members in the Assembly. There was only one occasion, the question of voting upon the constitutional amendment on prohibition. It appears there was a conference held between the Assemblymen and party representatives, and an agreement was reached that they should advocate submitting the question to referendum. The Assemblymen themselves determined on that course before the decision was reached and that is the only instance of interfering with their activities. Mr. Lunn, who was not a friendly witness, testified to the fact that never in his experience, and even in his quarrels, has the Socialist party attempted to interfere with his administrative acts for corrupt or improper motives, or motives of material gain. In all cases it was a question of maintaining party principles; of living up to party promises and party pledges, which the Socialist party has a right to do.

You know, gentlemen, there is a story about the Roman augurs. The Roman augurs used to tell fortunes from the entrails of animals, and the people believed in them; but there was the historic and proverbial wink which they used to give each other when meeting. They knew each other. And when you gentlemen of the Republican and Democratic parties charge us — the Socialists — with permitting too much party interference in the performance of our public duty, we feel like winking at you off the record, because where do we come in with you on party interference? Everything charged against us applies truly to the Republican and Democratic parties.

Do you remember we had recently informal conventions of both parties, and each of them *recommended* certain persons for office delegates to the national convention. It was a recommendation. That was all. But you can imagine that it will go with the party and with the voters just the same.

I have heard before of such expressions as "the party leader," or, vulgarly, "the party boss," who represents the party and stands between the party and the elected public officials. Perhaps such a thing does not exist. Perhaps it is only a myth; but when your term of office expires, gentlemen, and you want a renomination, try to find out whether you will go to the electorate as a whole to get that renomination or perhaps pay, first, a little friendly call on the political party leader, or party boss.

In this very House, as in every other House, you recognize the existence of political parties and their right to control the actions of their representatives. What is your majority leader? — what is your minority leader? — other than instruments of the respective parties to influence and control the conduct of their representatives, and inasmuch as such control is not for corrupt purposes, but for proper political purposes, for the purpose of securing party unity in action, it is perfectly legitimate and we recognize it.

What are your caucuses, caucuses of the Republican Party, caucuses of the Democratic Party, announced from the floor here? What else but another instrumentality for bringing about uniformity of action among the members of the respective parties on the floor of this House or any other legislative body. Why, gentlemen, this proceeding itself — this proceeding in which we are charged with unduly controlling our representatives in the Assembly — is an eloquent testimonial of the control by the old parties of their members.

Here, we read in the record, the Assembly came together the first time. A resolution of unusual importance is suddenly sprung upon the members. They are not prepared for it. We have heard the public testimony of Assemblyman after Assemblyman, that they knew nothing about it, that they were absolutely unprepared for it, that they could not in conscience vote for it. But the resolution is introduced by the majority leader. Every Republican votes for it. The minority leader is called upon to vote. He votes for it. Every Democrat, with two exceptions, follows. The next day they wake up

and say, "What have we done?" Is it anything more than a demonstration of the power of political parties and their control of the action of the representatives on the floor of this Assembly? We don't say that by way of indictment or charge, but we say that to remind you gentlemen that the political control by a party of its elected officials, is not a peculiar institution of the Socialist Party.

And now, since we are all politicians, I will say a few words to ease our conscience. I will say this: The objection to political parties interfering with the conduct of their elected officials is not one based on law or morals, but on old, outworn prejudices. There was a time when political parties were anathema in this country, and in every other country. You will all remember Washington's Farewell Address, and his warning against political cliques and political parties.

At a time when the country consisted of a few million inhabitants, when the general social conditions were largely equal, there was no occasion, no need for political parties.

The constitution does not provide for and does not recognize, the existence of political parties. But as times went on, as the population grew, as class distinctions sprang up, as economic interests were diversified and all other interests likewise, political parties became an absolute necessity, a supplement to our constitutional structure without which the Republic could not survive. And it was only within the last forty years, or thereabouts, that the law began to recognize and to legalize existing political parties, to accord them certain rights, and to subject them to general supervision. Political parties to-day are the bulwark of democracy and the control by political parties of their elected officials is the most democratic, the most honest feature in our political life.

Why? Because the voter today cannot rely upon the individual merits of any candidate. You take a city like New York where a million and a half voters choose the mayor. How many men know him personally? Citizens are called upon in every national election to vote

for twenty or thirty different candidates. How many know any of them? How many of the ordinary folks know even to-day their representatives in the State Senate, in Congress, and so on? Very, very few, it has been found on a number of occasions. The individual candidate is unreliable. He may change his views, his policies; he may be influenced in some obnoxious direction; he may fall sick; he may be affected mentally, but the party is a permanent factor appearing before the electorate year after year. Like a corporation, it has perpetual existence. The party as such by adopting a platform expresses the views of a certain group of the electorate. The party not only expresses its views by adopting its platform but makes definite pledges, definite promises to the electorate. The voter knows, or ought to know, that the Republican party stands for this policy; the Democratic party for that; the Socialist for the other. The voters say in effect: "We will vote in office the party that represents our views and interests, and we charge the party with responsibility to make good its election pledges and promises as expressed in their platform, and if it does not it will have to meet us next time, and we will get square on it, and if one of its representatives does not, and the party does not discipline him but tolerates him, we will know how to deal with the party next time.

The party is the political framework of our modern institutions. The elected representatives are nothing but agents of these parties, spokesmen for them. Who cares whether Mr. So and So, or Mr. So and So sits in a seat in this Assembly? How many of you Assemblymen or members of any other legislative body are known to have been chosen for their personal political merits? Very, very few.

And we say we recognize the fact fully and frankly, and we recognize it as a proper fact. The Socialist party above all other parties insists upon the right and the duty of the party as such, the party as a party, to see to it that its representatives live up to the pledges, to the promises, to the representations which we make in elections.

And if any one of our representatives, chosen on our platform, receiving the votes of the electorate, on the faith of that platform should turn untrue to these pledges and promises because, forsooth, he has changed his mind, or his individual conscience does not agree with the party position, we tell to him to get out of the Socialist party, and to go where his position places him. The Socialist party, as such, stands for definite principles. The Socialist party appeals to the electorate on a definite platform. The Socialist party guarantees, by implication, the performance, the honest performance, of its platform promises.

We shall see to it that our representatives live up to the principles of political honesty, or if they do not, they are to be separated from our party as quickly as possible.

War

I think the most telling point, at any rate the one that was emphasized more than any other, is the charge that the Socialist party is unpatriotic and disloyal. This charge is based upon various utterances contained in the St. Louis resolution which, I have no doubt, my friends on the other side will read and read to you again in their summing up. It is also charged that "the Socialist party urged its members to refrain from taking part in the war and that it affirmatively urged them to refuse to engage even in the production of munitions of war and other necessaries used in the prosecution of the war." And then there are our expressions "the snare and delusion of so-called defensive warfare," and the "false doctrine of national patriotism." The one serious charge in it—the charge that we urged party members to refuse to engage in the production of munitions of war and other necessaries used in the prosecution of war has never been sustained by any testimony. It was challenged by Mr. Stedman in his opening. He said if it can be proved we will admit that a serious charge has been established against us. We

maintain that there has been no proof of any kind on that point. What has been proved, gentlemen, and what undoubtedly has been the fact, is this: That the Socialist Party has consistently, emphatically and at all times opposed the war; that it has been opposed to the entrance of the United States into the war, and that when the United States entered the war it has been in favor of a speedy cessation of hostilities. It remained opposed to the war as such.

We claim, I think we proved, that with all that, we at all times recognized that the war was on; that war had been declared; that it had been legally declared, and that we complied with all the concrete enactments of war legislation in every respect. We did not surrender our opinion — our sincere belief that the war was wrong, monstrously wrong, and that every day of its continuance entailed unnecessary misery and privations upon our people. We voiced those sentiments. We voiced them because we maintained, and maintain, Mr. Chairman, that there isn't an act of the Legislature, that there isn't an act of the highest type of legislative measures, such even as a constitutional enactment or amendment, which intends to silence the tongues and stifle the thought of the people, to which the people must bow, not merely in the sense of practical submission, but in the sense of intellectual and moral submission against their honest convictions. We say that it was never intended that this doctrine should ever be tolerated in this country. It was never intended that upon the declaration of war or the happening of any other great national emergency, that all thoughts of the people in this great Republic should cease, all democratic institutions should come to an end, and the destiny of more than 110,000,000 persons should be placed in the hands of one individual, no matter how exalted. This is not democracy. It is the worst form of autocracy.

We proceeded upon the assumption that it is not only the right, but the duty of every citizen at all times, and in connection with all measures, to use his best judgment, and if he honestly, conscientiously thought that a meas-

ure enacted was against the interest of his country, of his fellowmen, that it was his right and his duty to do all in his power to have it righted, to have it repealed, to have it undone. We had ample authority in the precedents of this country for the theory, that the greater the crisis the greater the duty to speak, the greater the danger of expressing opposition, the higher the call of duty to brave that danger. It is only the arrant political coward who supinely submits to what he in good faith considers a crime. I again want to make it perfectly clear that this does not conflict at all with the other as well established proposition that in a land of laws, the minority must always submit to the concrete enactment of the majority without necessarily approving of it; without ceasing to advocate its repeal.

Now, I say we had abundant authority in this country to hold this position. In fact, this was the American position. The proposition advanced against us now is a novel, un-American proposition. And, to support this I shall read a few quotations from what my friend, Mr. Roe, has submitted here in support of this contention. In connection with the War of 1812, Mr. Daniel Patten, representative of Virginia, said in 1813: "It is said that war having been declared, all considerations as to its policy or justice are out of the question, and it is required of us as an imperious duty, to unite on the measures which may be proposed by them (that is, the Government), for its prosecution, and we are promised a speedy, honorable and successful issue. Do gentlemen require of us to act against our convictions? Do they ask that we should follow with reluctant step in the career which we believe will end in ruin? Or do they suppose that while on the simplest subject an honest diversity of sentiment exists, in these complicated and all-important ones, our minds are cast in the same mold? Uniformity of action is only desirable when there is uniformity of sentiment, and that we must suppose will only exist where the mind is enchained by the fear which despotic power inspires. But it has been said that obedience to the will of the majority is the first principle of

representative government, and enjoins what gentlemen require. Obedience to all constitutional acts is a high and commanding duty on the part of the minority of the people, and all factious opposition is highly criminal; but this does not prevent any one in this house, or in the nation to use every effort to arrest the progress of evil, or to effect a bill or measures in relation to the public interests. And how can this be done, unless there is a full liberty to think and to speak and to act as our convictions shall dictate? If this be denied then there is an end to free government. A majority can never be corrected. They are irresponsible and despotic. They may prepare the yoke when they please and we must submit in silence."

And with reference to the Mexican war let me just read a quotation from Sumner. While the war was in progress he said: "The Mexican war is an enormity born of slavery, base in object, atrocious in beginning, immoral in all its influences, vainly prodigal of treasure and life. It is a war of infamy which must blot the pages of our history." That was said during the existence and continuation of the war, and how does that compare with our mild statement that this was a capitalist war, having its origin in commercial rivalry and leading only to the gain of profiteers?

The proposition was stated still more clearly by Mr. Charles H. Hudson, of Massachusetts, who said: "Has it come to this, Mr. Chairman, that a President can arrogate to himself the warmaking power, can trample the Constitution under foot, and wantonly involve the nation in war, and the people must submit to this atrocity and justify him in his course or be branded as traitors to their country? Why, sir, if this doctrine prevails, the more corrupt the administration is, if it has the power or the daring to involve this nation in a war without cause, the greater is its impunity, for the moment it has succeeded in committing that outrage every mouth must be closed and everyone must bow in submission. A doctrine more corrupt was never advanced: a sentiment more dastardly was never advo-

cated in a deliberative assembly. Gentlemen who profess to be peculiar friends of popular rights may advance doctrines of this character and they may be in perfect accordance with their views and feelings and in conformity with their democracy; but I have too much of the spirit which characterized our fathers to submit to dictation from any source whatsoever, whether it be foreign monarch or an American President.

"I believe, Mr. Chairman, that the first principal declaration in the message of the President.—that the war exists by the act of Mexico and that we have taken all honorable means to prevent it—to be an untruth."

I could read any number of similar statements. I shall refrain. I call attention to only one thing, and that is that the accepted American policy up to this war was as stated, namely, the right to criticise the war, to oppose the war, exists after the declaration of war; if it did not exist, this nation could be turned into an autocracy by means of declaring war; if it did not exist, there would be no way of bringing a war to an end by popular will. It was only when this war came upon us that the doctrine changed, and I will tell you why: you see, as was the case in all previous wars, we had originally two parties on the subject, an anti-war party and a pro-war party. The Democratic party was the peace party; the Republican party was generally considered the war party. You remember, I suppose, that our President was re-elected on the slogan "He has Kept us Out of War." You remember the speech of Honorable Martin Glynn at the Democratic National Convention on the subject. Now, imagine for a moment that Mr. Wilson had not been re-elected and Mr. Hughes was elected. What would have been the logical developments? Just this: That the Republican party would have drawn us into the war, as they proclaimed their intention very definitely; and the Democratic party would have remained an opposition party, a peace party. The Democratic party then, as a matter of policy and consistency, would have taken the position taken by these earlier American opponents of war when war was on.

But it so happened that it was the Democratic administration that had gone into the war and it became a war party from a peace party. What could the Republican party do except to go it one better and to become an ultra war party; and so instead of having a contest between peace and war, we had a contest between war and more war, and this entirely abnormal un-American psychology of war terror and war hysteria took possession of us.

Now, then, the only party that still remained a peace party in American politics, was the Socialist party.

Knowing these precedents, construing the general spirit of American public rights, as we have stated them, we viewed our entry into the war unhampered by the fear of manufactured public sentiment. We thought it a great calamity. We knew that at the time we were about to enter the war, about six million human beings had been slaughtered on the battlefields, a greater number than had ever been killed in any war or the wars of any century, I believe, in the past. We knew that all Europe was in chaos, going to ruin and destruction, and we argued: "What will the entry of the United States in this war mean? It will add to the conflagration; it will subject thousands, hundreds of thousands, and if it continues long enough, millions of our boys to slaughter; make millions of American widows and orphans; destroy this nation industrially; destroy it morally; breed hatred in our ranks as it has bred hatred in Europe, and not accomplish anything good, nothing certainly commensurate with the sacrifice required. We did not believe that democracy would be assured as the result of this war."

We thought on the contrary that as a result of this war, certain classes of war lords, profiteers and reactionaries would set up a reign of terror in almost every country. We did not believe that human civilization would be advanced by this war. We could see nothing in it but a colossal carnage brought on by the commercial rivalries of the capitalists of Europe. We could see in it nothing but a cataclysm of human civilization. We could see in it nothing but the greatest blot upon human intelli-

gence and we said, "Here are we, the United States, about four thousand miles away from the seat of this insane carnage, a powerful people, powerful in wealth, powerful in influence, a people that has set out to create a new civilization on this hemisphere, a people that has turned away from the intrigue, from the machinations of the old world. Here is our opportunity; let's stay out of this insane carnage. Let us preserve all our resources, all our strength, in order to render it plentifully to the distracted nations of Europe when the carnage is over and the process of reconstruction and reconciliation and rebuilding sets in."

And when we heard what we considered this insane, stimulated cry for participation in this slaughter, we said, the men who do that, the men who are pushing this Republic into this European carnage, with which it has no direct vital concern, may mean well, may be personally honest, but they are committing or are about to commit, the gravest crime every committed in the annals of history against this nation and also against the world.

And we said "holding these views as we do, it is our sacred duty as citizens of this country, our sacred duty to our fellowmen, to protest against the war, to oppose it with every fibre of our existence, come what may, in the shape of opposition, persecution or suffering," and we say to you, gentlemen, if any of you had held those convictions, and if you were true to yourselves, true to your country, you couldn't have acted otherwise. We did not. And now that the war is over and the entire world is quivering under the tortures inflicted upon it, now that the war is over and ten millions or more human beings have been directly slaughtered and many more millions killed by the ravages of epidemics, now that all Europe is in mourning, now that the greater part of Europe is starving, succumbing, bringing up a new generation of anaemic, under-nourished weaklings, now that we helplessly behold the ruins of our civilization and are unable to rebuild the world; now, we Socialists say we have absolutely no reason to repent our stand. If we had, we would be men enough to say so, but in view of what

has happened, we say, on the contrary, if ever there was anything about which we feel we were right, in which we feel we performed a great imperative moral duty, it was this opposition to the hideous, inhuman slaughter called war, and if occasion should present itself again, under similar circumstances, we will take exactly the same position.

It was, gentlemen, with this attitude in mind that we formulated our proclamations; formulated our programs. We have been asked on this stand by eloquent counsel on the other side, time and time again, "You say you submitted to the law?" "Yes, yes, we do." "Did you do anything more than the law compelled you to do?" No, we did not. How could we? We regarded the war as an inhuman institution. We submitted to the concrete will of the majority as good citizens of a democratic republic, but to go out in any way of our own free will to contribute to what we consider nothing but a senseless insane slaughter of our fellow men, how could we consistently do it? How would you, or you, or any of you act in the face of a law which you would consider absolutely obnoxious. You would comply with it. You wouldn't do more than that. You couldn't if you remained true to yourselves.

Then a peculiar construction has been placed upon our platform, principally the statement of our opposition to war at all times. "Unalterable opposition to the war, just declared," it was. We said to you, gentlemen, "that doesn't mean that we will break the law. No. We comply with it. We are drafted. We go. We are taxed. We pay. But we do not and we cannot approve of this war in our frame of mind." It seemed to be impossible for the gentlemen to understand this position.

Now, let me read to you something from very recent history, oh, in fact, about a week old. A certain political party adopted this statement or proclamation:

"We are unalterably opposed to prohibition by Federal amendment. We believe it to be an unreasonable interference with the rights of the States as guaranteed by

the Constitution. We feel that the recent enactment was the imposition of the ideas of an active minority against the wishes of the great majority of the American people. We therefore declare for its speedy repeal and to the end that the personal liberty of the people of our State may be thoroughly safeguarded, until such time as this repeal may be brought about, we declare the right of our State in the exercise of its sovereign power to so construe the concurrent clause of the 18th Amendment as to be in accord with the liberal and reasonable view of our people."

Now, there was a constitutional enactment, a constitutional amendment, a higher type of law, than a mere act of Congress. The declaration of war was an act of Congress. The 18th amendment was an act of the sovereign people.

What did the Democratic Party say? "We are unalterably opposed to prohibition by Federal amendment." We said, "We are unalterably opposed to the war just declared." Did we say anything different except that the Democratic Party felt more strongly on drink, and we felt more strongly on war? Otherwise, is it not the same philosophy? "We believe it to be an unreasonable interference with the rights of the states as guaranteed by the constitution. We feel it was the imposition of the ideas of an active minority against the wishes of the great majority of the American people." That is just what we said. We said the Congress of the United States had been stampeded into the war by the active minority of war agitators, and we are haled before your Bar to answer for it. You declared for a speedy repeal, we declared for a speedy peace, but we never went so far as to say that while the law remains law, we here will make our own law in defiance of the United States Constitution, and have our drink anyhow.

Now, then, I ask you if it was perfectly legal and proper for the Democratic Party to oppose the supreme law after its enactment, why not for the Socialist Party? We will assume the Democratic Party was perfectly honest about this resolution, we ask you to assume

the same about us, all the more, that not a charge has been made that any Socialist, the Party as such, or its members, have been improperly influenced in any way towards the position which they took. There is no way a semblance or suspicion of a charge that our resolutions, proclamations and stand are anything but the pure, honest expression of our conscience. Bear that in mind when you come to pass upon that point.

In this connection also, we are charged with having adopted a resolution for the repudiation of war debts. You remember the history of it. It was adopted in the platform before any Liberty Bonds were in existence. It was suppressed by the National Executive Committee because Liberty Bonds had been issued at the time of its ratification by the party members. I will merely say this, gentlemen: The Socialist party, even in Russia, in nationalizing private property, has taken care to compensate the small investors. I think the small people, the employees who bought with their savings, a fifty dollar bond, a hundred dollar bond or two hundred dollars' worth of bonds, should be safeguarded. So that we shall not be misunderstood, I shall say that if there is no law to the contrary, the best, the sanest thing that the world can do to-day is to repudiate all war debts, and to begin life anew with a clean slate. These war debts today mount into staggering figures, requiring annual interest of many billions. The "small employees" hold a very small part of it. The vast bulk is in the hands of the very rich. Now, what does that mean, gentlemen? Forget the terms, "bonds," "interest" and all other legal terms. Take the whole institution into consideration and it means this: that we have, on account of the war, created a certain class or certain classes all over the world which hold a mortgage upon their fellow men; that every year the workers and the people of every country must produce billions to pay interest on these bonds; that when we are gone, when our children are born and grown up, they will have to work in order to pay the interest on those bonds to the children of those who now hold them. We have created a new class. We have created a new

form of bondage by these tremendous unprecedented loans, and as a measure of self-protection, I say mankind represented by all nations involved in this war would, in my opinion, and I believe in the opinion of a great many non-Socialists, do well to repudiate them all, except small holdings, and start out afresh.

It has nothing to do with the Socialist party's position, which, for reasons of the time, had suppressed and did not circulate this particular plank; but I do not want it to be understood that at any time we wished to renounce the position taken by us. The position taken by us in the convention, on the repudiation of war debts was a proper and sound one. It would have saved our generation and the generations to come and it would have discouraged war profiteers and munition manufacturers from urging wars ever hereafter. But it is not there. It is not in our platform.

I have two short points, Mr. Chairman,—

The Chairman. — Well, you can use your judgment.

Mr. Hillquit. — Then let us recess for five or ten minutes.

The Chairman. — We will take a recess for 15 minutes Mr. Hillquit.

(Whereupon, at 5:20 P.M., a recess was taken for 15 minutes.)

AFTER RECESS, 5:35 P.M.

Internationalism

THE CHAIRMAN. — Proceed.

MR. HILLQUIT. — I have two more points, Mr. Chairman, and then I shall conclude.

One of them is the charge that the Socialist party owes allegiance to a foreign power known as the Internationale.

That has been embellished and decorated somewhat by my eloquent friend, Mr. Littleton, who, among other things, charged that they (the Assemblymen) "gave their allegiance wholly and solely to an alien, invisible empire, known as the Internationale," and also that it is that alien state to which, before the five members had entered into this Chamber, they had pledged their support, honor and allegiance," going even so far as to say that it was through the instrumentality of this Internationale that the Socialist Party of the United States received orders from Lenine and Trotzky and carried them out in this country. This was somewhat supplemented by counsel's brief, which charged the Socialist party with being an anti-national party.

In the progress of the evidence the invisible empire — that mysterious body to which the Socialists owed allegiance — has become more and more invisible until at this time, looking through the evidence, you cannot see it with a magnifying-glass.

The position of the Socialist party on the subject is very simple: the Socialist party is not an anti-national party. Socialists recognize the existence of nations and their right to exist as nations, and also the great cultural contributions of nations as nations to the civilization of the world; in fact, the Socialist party, more than any other party, has always stood for the right of nations to maintain their independence. I think there is not a movement in the world today which is as warm and consistent a friend of the Irish movement for national independence as ours. It has been for Polish independence before the statesmen of Europe and America ever were made aware of the existence of such a problem; and the same thing applies to the aspirations of all nations to independent national existence, such as Egypt, or India and other countries similarly situated. But the fact that we recognize the national existence and national rights does not limit our interest to one nation in each case. We recognize that today a nation is no longer a rounded-out, separate entity. It has become, whether we are aware of it or not, a member of the

international community. Socialism is international, it is true. It is international in the sense, first, that its platform, its program, its ideals and aspirations are substantially the same in every country. It is international inasmuch as it coöperates with similar movements in every other country in joint discussion of many problems, at congresses; occasionally in material support of the Socialist movement in a country that is engaged in a particularly important fight. It is international, finally, in the sense that we have a vision of an international federation of free socialist nations, which eventually will come to exist and guarantee the well-being, the national security, the national existence and the peace of all nations.

But, gentlemen, that is not a peculiarity of the Socialist movement. If Socialism is international, so is capitalism, so is banking, so is commerce, so is industry, so is science, so is art, so is all modern life.

We exist to-day as a part of the International Fraternity of men everywhere, and even governmental functions are becoming more and more internationalized.

I shall not go into details at this time. It would lead us too far afield, but if I may call your attention to two works, which I would recommend you to read, Prof. Sayre's on "Experiments in International Administration," and "International Government" by Mr. Woolf, with a Committee of the Fabian Society of London. You will find, perhaps, somewhat to your surprise, that there are at least a dozen international governmental institutions, in which the governments of all civilized countries participate. There are between 200 and 300 social, political and educational movements organized on an international basis, meeting in international congresses just as the Socialist party, discussing their problems, just in the same way, passing resolutions, just in the same way.

The Socialist party is affiliated with the International, or rather, to be more accurate, was affiliated with the Socialist International while it fully existed. It has expressed at this time its intention to join a new Inter-

national — the Moscow International — and the evidence is before you as to what that means. It means the foundation of a modern international organization of Socialism, but with no greater powers than the old International possessed. The Socialist Party of the United States never submitted itself in its practical work in this country to the dictates of the International.

If you want to have a clear conception of what this International means and how far you may go in prescribing to a political party or any group of citizens their right to meet with similar groups in other countries, to deliberate with them and to come to a common understanding, there are but two instances which I want to mention to you. One is the organized labor movement in the United States, the conservative movement led by the American Federation of Labor and Samuel Gompers. It may not be known to you that the American Federation of Labor is affiliated with an International Labor Bureau, which is in every respect equal to our International Congresses in function, coming together periodically, having an International Executive Committee, an International Secretary, International publications, and discussing methods of common concern to the labor movement of the world. And if you say to us that because we meet internationally with Socialists of other countries we may be made to follow a policy in this country dictated by foreign interests, how much more directly would that apply to the labor movement which considers such points as hours of labor, wages, immigration, safeguards in factories and other concrete propositions? How much more can you say that in their concrete industrial actions, declarations of strikes, industrial demands, they may be guided by competing rival foreign powers, and don't forget that even the late enemy powers are also represented in that Bureau.

And there is another thing. If you speak of the dictation of foreign powers over citizens of this country, if you speak of internationalism in tones of reproof and abhorrence, let me remind you that it is not only the industrial labor movement that is international, but also religion

and also the church, and that a very notable example of it is the Catholic Church, which is the one definite international organization, actually claiming authority — spiritual authority, at any rate — over its members in all countries of the world, and actually having a supreme Pontiff to direct the spiritual policy all over the world. I can think of nothing more impressive to show the danger of this line of attack than a little paragraph in a letter written by my good friend and sturdy opponent, a thorough non-Socialist, but a good citizen, the Reverend John A. Ryan, when he said:

“Possibly my personal desire to see your cause triumph” — meaning this cause before you — “is not altogether unselfish. For I see quite clearly that if the five Socialist representatives are expelled from the New York Assembly on the ground that they belong to and avow loyalty to an organization which the autocratic majority regards as inimical to the best interests of the State, a bigoted majority in a state, say, like Georgia, may use the action as a precedent to keep out of that body regularly elected members who belong to the Catholic Church, for there have been majorities in the Legislature of more than one southern state that have looked upon the Catholic Church exactly as Speaker Sweet looks upon the Socialist party.”

There are certain bounds; there are certain limits, which even in the heat of partisan controversy should be respected and this is one of them. Beware of this charge of internationalism and foreign domination. It may lead to a point at which it will recoil against those who are making these charges against us. Remember also that at a time when our administration is straining every nerve to bring about what it is pleased to call a League of Nations, an international organization of which the entire country is to become part, it is somewhat too late to charge it up against us as a crime that we are international, in the sense of recognizing the interna-

tional solidarity of men alongside of the existence and the rights of national governments.

Russia

The final point made against us is that the Socialist party approves of the Soviet Government of Russia and seeks to introduce a similar régime in the United States.

That charge contains two flaws. We do not "approve" of the Soviet Government of Russia. We are not called upon to approve or disapprove of it. We do not seek to introduce a Soviet system of government in the United States. We recognize the right of every people in every country to choose their own form of government as a moral right. We recognize besides the fact that the government of every country must correspond to the economic, political and historic conditions of that particular country; that a form of government that may suit one country may not suit the other country; and we say, just because we recognize this verity we hold that the Soviet form of government seems to be good for Russia, and that the Parliamentary form of government seems good for the United States.

We do not attempt to force a form of government upon the United States which is not suitable to the genius of its people. We do not approve of any attempt to force a form of government upon Russia, which is not suitable to the genius of its people. We sympathize with the Russian Communists in maintaining their Soviet government. Why? Because it is a Soviet government? Oh, no. Because it is a government of their own choosing; because it is a government of the workers and peasants, of the people. We do not believe in the political nursery tale that it is a form of government forced upon the people of Russia by Lenine and Trotzky, or any other handful of "agitators." We believe it is a form of government which has evolved from conditions in Russia, and which the Russian people have adopted instinctively and have adhered to. We believe that if in the many months of its existence no counter-revolutionary powers

within, no military powers from without, have been able to disrupt it, there must be reason for its existence. We do not believe for one moment that a government which is entirely arbitrary, which is fictitious, which is forced upon a people, will endure under the conditions under which the Russian Soviet government has endured; and we say, therefore, that we believe it is the government which the Russian people have chosen for themselves and under which they are likely to work out their eventual salvation. And because we believe in it and we express our sympathy with it, we are opposed to any external attack upon it.

Suppose, however, the same Russian workers and peasants — the same Russian Socialists — had adopted a different form of government, say one that would have sprung from the constituent Assembly, we should not have supported it any the less; we should have supported it in exactly the same measure, for we support their government not because we endorse that particular form; we support their government because it is theirs and because they want it and because we know they are the ones, and the only ones, to determine upon the mode and form of government under which they choose to live.

When we say we sympathize with the Russian Socialists in the maintenance of their Soviet government, and the Soviet government as a whole, we do not lose sight of the fact that much of what has been done by that government has been crude; that some of what it has done has probably been wrong. It would have been a marvel; it would have been an impossibility if they should not have blundered; if they should not have done a wrong thing occasionally in the conditions confronting them. But we say to ourselves: "Here is a people which, only three years ago at the utmost, began to emerge from a chaos created by mismanagement of generations, of centuries even. They are trying to find their way under obstacles, such as never have existed in their history before and never have confronted any people in the past — the industrial and economic breakdown in their own country, the political

breakdown, the shakeup of all the institutions, the collapse of the war, the intervention of foreign powers, the blockade, the limited means of transportation. Now, it has taken our revolution a great many years before the country has settled down to a condition of orderly national existence, and we only had at that time three or four million people. They had a population of 160,000,000. Let us give them some time. Let us give them an opportunity. Let us give them a chance to arrange their own affairs. We Socialists believe that if the absolutely unwarranted hostility and aggression from the outside is removed, if trade is restored with Russia, if normal communication is restored, if Russia is given a chance to rebuild its shattered economy, Russia will find herself and may become one of the most advanced and enlightened nations in the international brotherhood. That is one of the reasons—one of the main reasons—why we support Soviet Russia; why we are opposed to all interference with it; why we are opposed to the blockade.

Now, gentlemen, the interesting part about it is that while we have been discussing this proposition pro and con, the governments of Europe seem to have begun to see the thing in the proper light. You will have noticed that the entire tone of the European governments toward Russia has changed within the last few weeks. They begin to see the futility of trying to impose a régime of their own liking upon a foreign people. They begin to see the futility of trying to install their own brand of civilization by bayonets among the Russian people. They are making peace with Russia; they are establishing relations with her, and, gentlemen of the Committee, if you do not hurry up with your decision, you may find Soviet Russia recognized by the United States before you file your report.

We have never disguised, we do not disguise now, our sympathy for Soviet Russia. It is legitimate on our part. We may have our preference for any form of government in any foreign country, or for any class of people in any foreign country. We recognize that in

Russia an attempt is being made to solve a great social problem; to work out a great social experiment. We know the process is painful; we know they falter and stumble occasionally; they fall occasionally in their way, but we believe that given liberty of motion they will arrive at their ideal. We believe that when they do, they will become stabilized, more practical and efficient, and they will have a contribution to make to human civilization which will be of prime importance. This is our belief, and that is why we sympathize with them.

We do not advocate the same form of government here for the reasons we have stated, but we hold that even if we had advocated the Soviet form of government for the United States by peaceful means, we would be fully within our rights.

I believe it was you, Mr. Chairman, who once remarked in the course of the argument, that if the majority of the people of the United States declared for a Soviet, you would have to live in it. I believe you would, and I believe, as law-abiding citizens, we will all admit that aside from the question of political consideration or wisdom; on the sole test of legality or constitutionality, we have the full right to advocate the Soviet form of government for the United States, even though we do not advocate it.

Democracy

And now that I am through with my argument, I will say in conclusion, that after all is said and all is done, the entire discussion — I mean my discussion and probably the discussions to follow — are absolutely immaterial and irrelevant as bearing upon the question before you.

What have we had here after all? A delightful, and let us hope somewhat useful, academic discussion on the tenets, merits and demerits of Socialism. That was all. We should have liked to convert you, all of you, if we could, but if we cannot, it does not matter for the purposes of these proceedings. You do not have to believe

as we do. We do not have to believe as you do. This is not a question as to whether or not you gentlemen approve of the Socialist philosophy or the Socialist program; whether you consider us wise or unwise, rational or irrational. That is not the question. The question is, if you do not consider us right, or wise, have you the right to say to the constituents of these five men, that they have not the right to consider the Socialist program right or wise? See the peculiar situation into which this proceeding has led us. There you are, a lot of Republicans and Democrats, sitting in judgment upon the Socialist platform, the Socialist principles, Socialist tactics. That is what it has amounted to. Go through all the evidence. See all the examination by the other side of the details of our party philosophy. Imagine for a moment, gentlemen, that we, the Socialists, would do the same. We would sit down on thirteen chairs — I think we can get thirteen members of the party somewhere — and begin to consider the Democratic party, the Republican party, their platform, their social philosophies, their aims, their principles, their leaders; all that every Republican or every Democrat ever said or did; the manner in which he conducted himself in his family; go through all the utterances of prominent Republicans and Democrats in print, in public speeches, and so on, and then pass solemn judgment among us. Do you think you would have much of a chance? Probably not.

And if it were a question merely of the correctness or incorrectness, the wisdom or unwisdom of our philosophy, I should not expect much of a chance from you. You gentlemen belong to different political persuasions. Your views, your station in life, your surroundings, your education, your preconceptions — all of that predisposes you against our views and we know it. But we say that doesn't matter. What about it! This Assembly and every representative body in this country is instituted for the purpose of harboring the representatives of different and conflicting social views, with the sole provision that those who can command a majority for any measure rule on that measure at that particular time. If you

take it upon yourselves, largely or solely because you disagree, and strongly disagree with the Socialist party, its program and policies, to bar these five representatives of the party, then what you will have said in effect is this: "We will tolerate none in this Assembly except those whose views and platforms are approved by us" — in other words, Republicans and Democrats. And you will have said to the constituencies of these five men: "You are altogether mistaken in your choice; you have to go back and you have to elect Republicans or Democrats, for otherwise we won't allow them to come into our Assembly."

Now, gentlemen, when I say that, I am practically hearkening back to my first argument, and that is that the only questions before you are the constitutional qualifications of these men — absolutely nothing else. This very proceeding has shown the danger of trying to introduce any other tests or qualifications. Of the scores of charges against these men produced here before you, urged against them by counsel for the Committee, how will you determine which is and which is not the proper test or qualification? If these numerous charges have been introduced against these five men, why not a similar number of charges against any other man or representative of any other group or any other party in the Assembly in the future? Where is your compass in this wild political navigation? Where is your stable, definite, solid test, by which to uphold popular representation? If there was anything to illustrate and prove conclusively and concretely the danger of departing from constitutional qualifications, the danger of inscribing into the law new tests, new qualifications based upon your concepts of what is right and what is wrong, it has been, I say, this proceeding.

I expect, of course, that in the consideration of this case and in arriving at your conclusions you will bear that point in mind. I cannot see how you can possibly refuse to seat these five men and at the same time comply with that part of the Constitution which specifically prohibits the imposition of any tests or qualifications for

members of this House other than those contained in the Constitution and recited in the oath of office. In order to unseat these men you will have to reverse yourselves in your unanimous decision in the Decker case, in which you have taken that position very clearly.

And I will say to you in conclusion: "We are through, gentlemen. Throughout all these weary days of testimony, we have been trying to be helpful to the Committee; we have not withheld anything in our possession. We have freely submitted to your Committee; we have answered all questions; we have stated our creed; we have given you all facilities to arrive at a proper conclusion. Let me be frank with you. If we had been guided only by motives of political advantage, we might have sabotaged this proceeding a little; we might have goaded you into a decision against us, for from a political point of view I cannot see anything that would benefit the Socialist Party more than an adverse decision. Remember, gentlemen, we are a rival political party. Your political mistakes are our gains. Your political ruin will be our political making, and we cannot conceive of a more flagrant political mistake, of a more crying political and moral wrong than the unseating of these five men. But, gentlemen, we also recognize the higher and more important principle involved in this proceeding, the principle greater than any possible immediate political advantage.

We recognize that in trying this issue you are making political history. For the first time since the existence of this Republic, aye, I will go a step farther and say for the first time in the history of any country of parliamentary government, has a case of this kind come up, a case involving the outlawry of an entire political party, a case in which the majority parties would take it upon themselves to bar a minority party because they disagree with such minority. I recognize the conditions under which this case has sprung up; the peculiar psychology which has taken hold of the people in this country, largely on account of the war; the psychology of recklessness, of partisanship, of hate, of reaction and persecution.

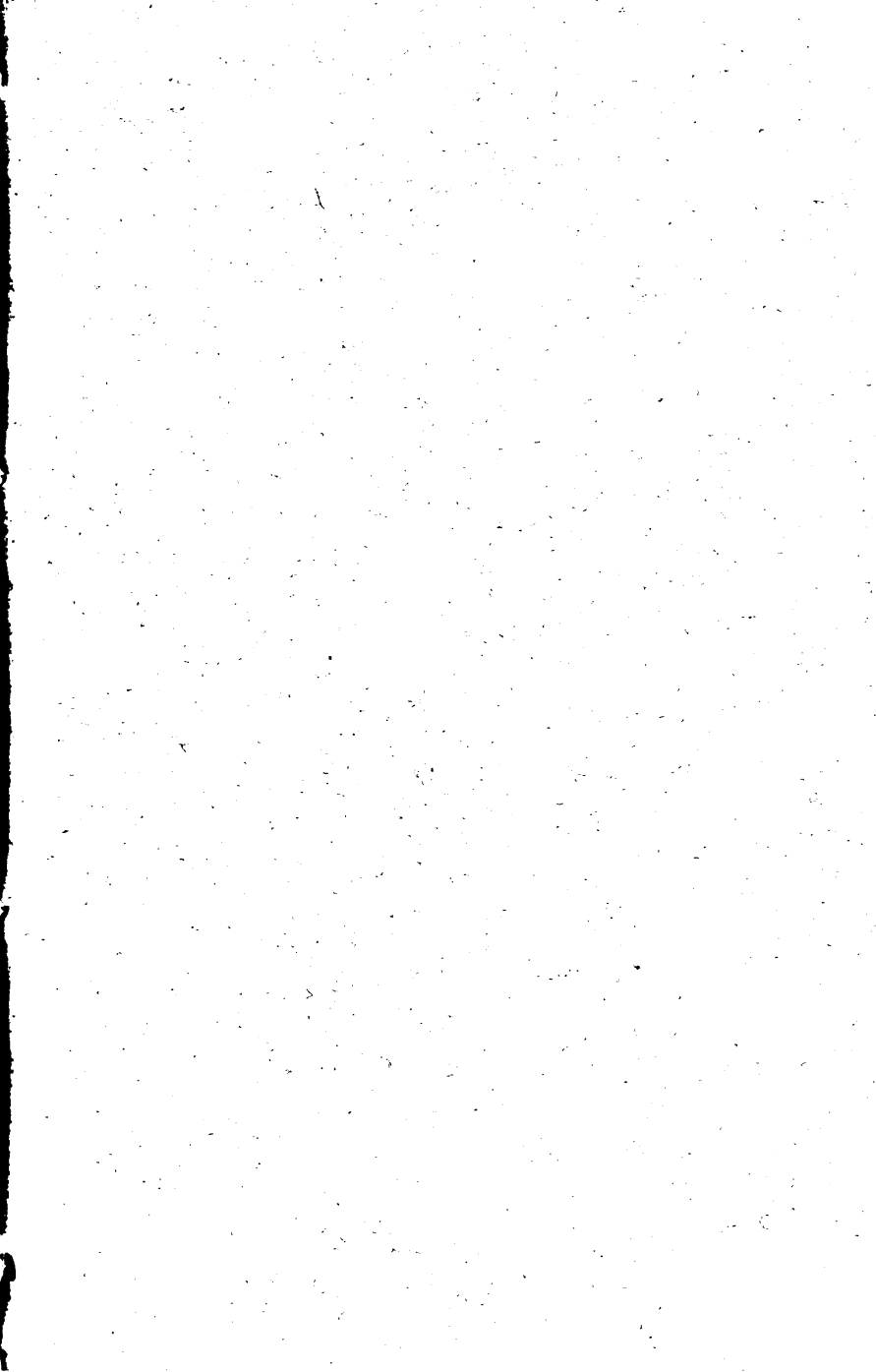
I can see clearly the procession of events which led up to this proceeding, the slight infractions of law in the prosecution of radicals, of dissenters, of so-called "disloyalists." First it was a question of straining a little detail in the law and getting a conviction where a conviction could not be had under ordinary circumstances. Then it was the imposition of sentences which in ordinary civilized time would be considered atrocious, for purely nominal offenses. Then it was a little mob rule, and condoning it complacently. Then it was the rounding up of radicals. Then it was the deportations of radicals. Then it became a mania, and every individual in this country who had any political ambition or any political cause to serve, saw in this great movement an occasion to get in and cover himself with glory, and one by one the popular heroes of the type of Ole Hanson, and others, arose and the number of those who envied them their laurels and sought to emulate them was legion.

And then finally, unexpectedly, like a blow, a sudden, stunning blow came this action of the Speaker of the House in connection with these five Socialists. It was overstepping the limit somewhat. It has caused a reaction, and to that extent it has done good. But let me say to you, gentlemen, it is absolutely inconceivable that in times of normal, rational conditions, any such proceeding would have been undertaken, and it never has been. Socialists have been Socialists of the same kind as they are now, all the time, many and many years. They have been elected to various offices and they have been allowed to hold office. These very members, or a majority of them, have been in this House, last year and the year before, after their attitude on the war had been made public and was generally known, after these various manifestos dated from 1916 up had been adopted, after these articles written in 1909 and 1908, had been published. Their seats were never questioned. Attempts were made on the part of one or another individual to bring about their unseating. It was frowned down and squelched by the very same Speaker of the House. And I say it is only the morbid

political psychology which prevailed in this country a short time ago that made this proceeding possible.

Now, gentlemen, this will pass. We shall return to normal conditions. We shall return to a normal state of mind. We shall return to the condition of a democratic republic, with toleration for all political opinions, so long as they meet on the common ground of the ballot box and constitutional government. (And I say if in the meantime you unseat these Assemblymen, that stain upon our democracy will never be washed off, never be removed. That precedent once created will work towards the undoing of the entire constitutional, representative system so laboriously built up.)

It is from this larger point of view, from the point of view of the effects of your decision upon the future of the political institutions in this country, that I ask you to consider the evidence before you, fairly, on its merits, without partisan bias, and if you do that I have no doubt and no fear of the outcome of your deliberations.



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