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STATE OF NEW YORK

PROCEEDINGS

OF THE

JUDICIARY COMMITTEE

OF THE

ASSEMBLY

IN THE MATTER OF THE INVESTIGATION BY THE ASSEMBLY OF
THE STATE OF NEW YORK AS TO THE QUALIFICATIONS OF
LOUIS WALDMAN, AUGUST CLAESSENS, SAMUEL
A. DeWITT, SAMUEL ORR AND CHARLES
SOLOMON, TO RETAIN THEIR SEATS
IN SAID BODY

VOLUME II



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**BRIEF OF COUNSEL FOR ASSEMBLY AT
CLOSE OF ASSEMBLY'S CASE, FEBRUARY
11, 1920**

**Before the Judiciary Committee of the Assembly of the
State of New York**

IN THE MATTER
of the
Investigation by the Assembly of the
State of New York as to the
Qualifications of LOUIS WALDMAN,
AUGUST CLAESSENS, SAMUEL A.
DEWITT, SAMUEL ORR and CHARLES
SOLOMON to Seats in the Assembly.

**Outline of the evidence taken before the Judiciary
Committee to and including February 5, 1920,
with a discussion of some conclusions to be drawn
therefrom.**

This outline and discussion of the case of the Assembly against the five Socialist Assemblymen is presented as the Assembly's case draws to a close and before it is completed, for the purpose of presenting to the Judiciary Committee and the Assembly, an orderly statement of the leading points of the testimony and proofs given. It is also intended for the five Assemblymen and their counsel in the hope of better defining the issues.

No attempt has been made to refer exhaustively to

[1155]

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cumulative proofs. Nor is it sought to secure a pre-judgment of the case before the proofs of the defense are taken; but there has been so much misinformation, published before any evidence was taken, and such incomplete and often inaccurate accounts of the proceedings have appeared during the trial, that counsel for the Assembly deem it proper to submit this memorandum to the Assembly.

I.

THE FIVE ASSEMBLYMEN BY PLEDGING THEMSELVES AS MEMBERS OF THE SOCIALIST PARTY NOT TO "VOTE TO APPROPRIATE MONEYS FOR MILITARY OR NAVAL PURPOSES OR WAR" DISQUALIFIED THEMSELVES FROM TAKING THE CONSTITUTIONAL OATH OF OFFICE AS ASSEMBLYMEN, AND THE OATH AS TAKEN BY THEM WAS FALSE.

Section 6 of the National Constitution of the Socialist Party provides:

"§ 6. Any member of the socialist party elected to an office who shall in any way vote to appropriate moneys for military or naval purposes or war, shall be expelled from the Party" (p. 153).

Each of the Assemblymen in his application for membership in the Socialist Party signed the following:

"I, the undersigned, recognizing the Class Struggle between the capitalist class and the working class, and the necessity of the working class constituting themselves into a political party, distinct from and opposed to all parties formed by the propertied classes, hereby declare that I have severed my relations with all other parties, and I

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endorse the platform and Constitution of the Socialist Party, including the principle of political action, and hereby apply for admission to membership in said party" (pp. 161-162).

The form of application as prescribed in the National Socialist constitution contains the words "In all my political actions, while a member of the Socialist Party, I agree to be guided by the constitution and platform of that Party."

Sections 1 and 3 of article 11 of the Constitution of this State read as follows:

"Section 1. All able-bodied male citizens, between the ages of 18 and 45 years, who are residents of the State, shall constitute the militia, subject, however, to such exemptions as are now or may be hereafter created by the laws of the United States, or by the Legislature of the State.

"3. Organization of militia. The militia shall be organized and divided into such land and naval and active and reserve forces as the Legislature may deem proper; provided, however, that there shall be maintained at all time a force of not less than 10,000 enlisted men, fully uniformed, armed, equipped, disciplined and ready for active service; and it shall be the duty of the Legislature at each session to make sufficient appropriation for the maintenance thereof."

The platform of the Socialist Party, and the promise of the five Assemblymen to abide by it are in direct conflict with the terms of the constitutional oath taken by them as Assemblymen which reads:

"I do solemnly swear that I will support the Constitution of the United States and the Consti-

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tution of the State of New York, and that I will faithfully discharge the duties of the office of assemblyman according to the best of my ability." (Article 13, State Constitution, § 1.)

Independently of this express provision of the oath of office, they disqualified themselves from sitting in the Assembly by promising not to vote for any appropriations for military or naval purposes or war, since such a course if supported by a majority of the Assembly, would destroy the entire military organization of the State; would prevent the State from giving any assistance to the Federal Government in war, although a state of war prevailed at the time; and by tending to destroy all military and naval defense, tended to expose the State and the nation to destruction from its enemies without and within. States and nations like individuals have the right of self-defense, and hence the right to exclude traitors from legislative bodies. When there are no armies and no navies, the flaming torch of the Socialist may more easily triumph.

The votes of the Assemblymen in previous sessions where military appropriations were involved shows that the promise they made to their party was no idle promise, and that they intended to execute it notwithstanding the oath they had taken.

On Senate bill No. 271, January 9, 1918, entitled, "An Act to make available for the New York Guard certain moneys appropriated for the National Guard by Chapter 181 of the Laws of 1917," the record shows that this bill was opposed by all of the Socialist assemblymen, Mr. Claessens, Mr. Fiegenbaum, Mr. Garfinkle, Mr. Gitlow, Mr. Karlin, Mr. Rosenberg, Mr. Orr, Mr. Waldman and Mr. Whitehorn (p. 571).

The general appropriation act in 1919 entitled "An

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Act making appropriations for the support of the government" was voted against by Claessens and Solomon, they being the only assemblymen voting in the negative (p. 572-3). This act contained appropriations for the National Guard.

"An Act to amend the educational law in relation to qualifications of teachers" in the 1918 legislature contained a provision to exclude alien enemies from the teaching staff of this department of the State. The only votes in the negative on this bill were cast by the socialists, Mr. Claessens, Mr. Feigenbaum, Mr. Garfinkel, Mr. Gitlow, Mr. Karlin, Mr. Orr, Mr. Rosenberg, Mr. Shiplacoff, Mr. Waldman and Mr. Whitehorn" (pp. 573-4). When the same bill came over from the Senate, the only persons voting against it were Claessens and Solomon (p. 574).

The act to amend the education law in relation to physical training and the use of armories was opposed by only two votes in the Assembly in 1919, viz: Claessens and Solomon (p. 575).

Claessens and Solomon were the only assemblymen to vote against, "An act to provide for the publication of the law relating to the desecration of the flag" (p. 575).

In 1919, Claessens and Solomon cast the only votes against an act to provide for paying members of the National Guard who served without the State in response to the call of the President of June 19, 1919 (pp. 575-6).

The only votes against the appropriation act for the support of the government of 1918 containing appropriations for the National Guard and National defense were recorded by the Socialist Assemblymen, Mr. Claessens, Mr. Feigenbaum, Mr. Garfinkel, Mr. Gitlow, Mr. Karlin, Mr. Orr, Mr. Rosenberg, Mr. Shiplacoff, Mr. Waldman and Mr. Whitehorn (p. 576).

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The same Assemblymen cast the only votes against the Act relating to the military training of boys in 1918 (pp. 576-7).

The same Assemblymen cast the only votes against the Act "To provide for requisitioning the labor of able-bodied persons between the ages of 18 and 60 years who are not engaged in a lawful and useful business, occupation, trade or profession" (p. 577), and the same Assemblymen cast the only votes against "An act to provide for paying members of the National Guard who served without the State under the call of the Federal Government" (pp. 577-8).

Claessens out-stripped all of his associates in carrying out his promise to his party. He not only voted against all legislation providing for military or naval appropriations for war, but he introduced much affirmative legislation of an offensive character.

On January 29, 1919, Claessens introduced "An act to amend the military law in relation to the reserve militia," which repealed chapter 568 of the Laws of 1916, embracing the entire statutes relating to the militia of the State of New York (p. 612).

On February 14, 1919, Claessens introduced a bill "To amend the executive law and the public officers law in relation to the employment of the state militia, national guard or state police to suppress strikes, walk-outs or other national disputes" prohibiting their employment (pp. 613-4).

On January 9, 1919, Claessens introduced a bill to repeal chapter 566 of the Laws of 1916, being the law in relation to military training in the State of New York (p. 613).

On January 20, 1919, Claessens introduced a bill to repeal chapter 470 of the Laws of 1918 in relation to the military training of boys (p. 613).

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On January 21, 1919, Claessens introduced a bill to repeal the state police law (pp. 613-14).

If a majority of the Assembly had concurred with the Socialist Assemblymen in their votes, the military and naval organizations of the State would have been destroyed. If a majority of either House of Congress was controlled by the Socialists under the same pledge, the national army and navy would be destroyed.

THE PROMISE OF THE SOCIALISTS NOT TO VOTE FOR ANY MILITARY OR NAVAL APPROPRIATIONS OR FOR WAR, WAS AS MUCH IN CONFLICT WITH THE FEDERAL CONSTITUTION AS WITH THE STATE CONSTITUTION, AND DISQUALIFIED THEM FROM TAKING THE OFFICIAL OATH TO SUPPORT THE FEDERAL CONSTITUTION, AND RENDERED THE OATH AS TAKEN VOID.

The Federal Constitution expressly provides that Congress shall have power "to provide for the national defense" (Article 1, § 8, subd. 1). "To declare war, grant Letters of Marque and Reprisal" (§ 8, subd. 11). "To raise and support armies" (§ 8, subd. 12). "To provide and maintain a navy" (§ 8, subd. 13). "To provide for calling forth the militia to execute the laws of the Union and suppress insurrections and repel invasions" (§ 8, subd. 15). "To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States" (§ 8, subd. 16).

Article 2, § 2, "The President shall be the commander-in-chief of the army and navy of the United States."

Article 4, § 4, provides "The United States shall guarantee to every state in the Union, a republican form of government, and shall protect each of them against invasion; and on application of the legislature

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or of the executive (when the legislature cannot be convened) against domestic violence.”

The Second Amendment of the Federal Constitution provides

“A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.”

The promise to oppose all military and naval appropriations, and appropriations for war, is a part of the plan of the Socialist Party to destroy the existing form of government and substitute the government of the proletariat, as fully appears by their propaganda shown later in this paper. It involves a species of State suicide, and carried to its legitimate conclusion, would involve the destruction of both the Federal government and the governments of the States. Their promise to their party, and program in this respect, is in conflict with their obligation, stronger because assumed in every clause of the State and Federal Constitution than if expressly declared therein, by every citizen and public official to save and defend the State and nation, and not destroy them. This is loyalty. The position of the Socialists is disloyalty and treason.

Compare their interpretation of their oath to sustain the State and National Constitutions with the declaration of Lincoln, “I have a solemn vow registered in heaven, that I will preserve, protect and defend the Constitution of the United States.”

Judge Weeks in sentencing Gitlow, a former Socialist member of Assembly of 1918, convicted of circulating revolutionary Socialist literature, said:

“He took the oath as a member of the Assembly of this State to support the Constitution of the

Cannot Take Constitutional Oath

United States and of the State of New York. When he entered the Assembly he was fettered by that obligation of his organization, which provided that he should be driven from it if he voted for an appropriation for military purposes or the war.

“ Was that only the entering wedge for the destruction of the nation, to prevent it appropriating money to save itself in war, to hamstring it? It certainly seems so. What protection would we have against war? The dreams of visionaries would not prove a very satisfactory defense against a foreign enemy. It may be that these dreams elevate in a sense like a drug that fills the brain with wonderful pictures — idealism without practicality. So long as we are on this mundane sphere the only way we can keep our feet on the ground is to stand on something substantial — to stand by the Government. I hope the verdict will reach out and act as a deterrent to others.”

There is but one inference from the position of the Socialists in relation to military and naval appropriations and for war. They would render the country and government helpless against all enemies so that it may be helpless against them, the enemies of established order. And for the opportunity which the helplessness of government thus brought about would give them, they are willing to expose the State to the assaults of all other enemies.

*Have Abdicated Function of Office***II.**

THE FIVE ASSEMBLYMEN BY THEIR PROMISE TO TAKE DIRECTIONS FROM THE DUES PAYING MEMBERS OF THEIR "LOCALS" OR THEIR "EXECUTIVE" COMMITTEE IN ALL MATTERS ARISING IN THE ASSEMBLY, INCLUDING THEIR VOTE FOR ALL APPOINTEES AND OFFICIALS CHOSEN BY THE LEGISLATURE; TO VOTE AS A UNIT WITH THE OTHER MEMBERS OF THEIR PARTY ON ALL OCCASIONS, AND TO PLACE THEIR RESIGNATIONS IN THE HANDS OF THE DUES PAYING MEMBERS TO INSURE THE PERFORMANCE OF THEIR PLEDGE, ABDICATED THEIR FUNCTION AS ASSEMBLYMEN AND DISQUALIFIED THEMSELVES FROM TAKING THE OATH OF OFFICE, AND RENDERED THEIR OATH FALSE.

Article 7, § 3 of the National Constitution of the Socialist Party provides:

"In all legislative bodies, as Congress, state legislatures, boards of supervisors or town council, Socialist Party members shall organize into a group separate and apart from all other parties. They shall elect a Chairman and in the support of all measures definitely declared for in the platforms of the party, they shall vote as a unit" (p. 153).

This rule prevails in Socialist parties in all other nations (p. 168).

The State Socialist constitution provides:

"Section 4. Elected Socialist Officials shall submit the name of the proposed or contemplated appointments for heads of departments, members of Mayor's Cabinets, Commissioners, Deputies and

Have Abdicated Function of Office

Members of Commissions or any other appointees to position of administrative or executive character for the approval of the local or county organizations. If said local or county organization shall disapprove of any proposed appointment, it may submit its choice of appointment to the said elected official. In case of further disagreement, the local or county organization and the elected officials have the right to appeal to the State Executive Committee" (p. 157).

Under the State constitution of the Socialist Party a member may be expelled,

"For failing or refusing, when elected to a public office or while acting as a delegate to an official party convention, 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 constitutions" (p. 156).

Under the regulations of the New York Local,

"The affairs of the local shall be conducted by a Central Committee" (p. 158).

The Socialist constitution of the State expressly indorsed all of the provisions of the national platform (p. 155).

The State Socialist platform expressly provides:

"Resignation of candidates and appointees.

"Section 1. All candidates for public office or appointees to public office selected by the dues paying membership of the Socialist Party of the State of New York or any of its subdivisions shall sign the final resignation blank before nomination is made official or appointment is made final.

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“Form of resignation. Section 2. Recognizing the Socialist Party as a purely democratic organization in which the source and seat of all powers lies in the dues paying membership as an elected (or appointed) official of the party, it shall be my duty to ascertain and abide by the wish of the majority of the dues paying members of my local or political subdivision.

“To the end that my official acts may at all times be under the direction and control of the party membership I hereby sign and place in the hands of local to which I may be elected (or appointed), such resignation to become effective whenever a majority of the local shall so vote.

“I sign this resignation voluntarily as a condition of receiving said nomination (or appointment) and pledge my honor as a man, a Socialist, to abide by it” (pp. 156-7).

A similar provision is contained in the county regulations (p. 159).

Taken in connection with the written promise of each of the Assemblymen to support the National, State and local constitutions of the socialist party, it is clear that the election of each of the Assemblymen was secured through his adherence to and promise to abide by the provisions of these constitutions; but they could not be faithful to their obligation to the Socialist party and observe their oath, which reads “I will faithfully discharge the duties of the office of Assemblyman according to the best of my ability * * * and have not made any promise to influence the giving or withholding of any such vote for my election.” And this oath as subscribed by them was, in the light of their promise to support the Socialist platforms, false.

Have Abdicated Function of Office

They abdicated their function as Assemblymen and disqualified themselves from taking the constitutional oath of office:

First, by their promise to subordinate their conscience and patriotism on every vote in the Assembly to the block system of party voting, no matter how destructive to good morals and public interest such vote might be. And this promise was in direct violation of both provisions of the oath quoted. The promise has been kept by the Socialist Party in the Assembly in former sessions (p. 167).

This promise must not be confused with party action in caucus where party men uniformly reserve the right to withdraw if a proposed measure violates their conscience or their patriotism or is not within party issues. Under this promise, if kept, a Socialist member binds himself to vote for a treasonable measure if a majority of his associates do so or if he be so directed by the dues-paying membership. It is one thing to be a party man and act with a party in the Legislature and quite another to promise to be treasonable if the party so votes, as in the case of military and naval appropriations.

Second, By their promise whenever directed so to do by the dues paying membership of their local or the executive committee, to vote in any particular manner on any bill, or as to the appointment or selection of any of the numerous public officials to be chosen by the legislature.

In the Matter of Guden, 171 N. Y. 529, a sheriff of Kings County who promised as a condition of his election to farm out the appointments of his office, and who was removed from his office by the Governor, Judge O'Brien approving of the removal, says:

“In one of the charges presented to him (the Governor) and which appears in the record it is.

Have Abdicated Function of Office

in substance, alleged that the sheriff abdicated his powers and duties with respect to the appointment of his subordinates to an irresponsible body of men called a patronage committee. That is to say, he entered into an agreement with this committee to make such appointments of subordinates as it determined upon, and that a list of forty persons was furnished to him by this committee to be appointed as his subordinates and that he appointed them. The appointment of these persons, under such circumstances, was an official act relating to the powers and duties of his office. The charge, in substance, is that the sheriff farmed out to an outside irresponsible political body the performance of duties which devolved upon himself."

Third, By promising to resign in advance of taking office as a pledge of their performing their promise as required by the state and county constitutions and by-laws.

It is claimed that the five Assemblymen did not in fact sign such resignation blanks, but whether they signed them or not, they promised to do so when they joined the Socialist party, as it is a part of the Socialist platform, and the failure to resign when requested so to do would be a breach of their promise. This provision was intended to apply only in case of a breach of their other promises to be guided in their official action, not by their judgment, conscience and obligation as citizens and as officers, but by the direction they might receive from others. The promise to resign at dictation, not the signing of any particular form of resignation, constitutes the offense. They could break this promise after signing as well as before, since such a resignation is revocable.

Have Abdicated Function of Office

The promise to resign, like the promise to vote and to be controlled in relation to appointments by the dues paying members, or the executive committee, is within the definition of criminal conspiracy. (§ 580, Penal Law, subdivision 6): "To commit any act injurious to the public health, to good morals or to trade or commerce, or for the perversion or obstruction of justice, or of the due administration of the laws." This was so adjudged in *People v. Squire*, 20 Abbotts New Cases, 368. In that case Squire executed the following agreement before his appointment to office:

"New York, December 26, 1884.

"Maurice B. Flynn, Esq.,

"Dear Sir:

"In consideration of your securing not less than four County Democracy aldermen who shall vote for my confirmation as commissioner of public works, in the event that the mayor shall send in my name for that office, I hereby agree to place my resignation as commissioner, in case of my confirmation, in your hands whenever you may demand the same, and further, to make no appointment in said office without your approval, and to make such removals therein as you may suggest and request, and to transact the business of said office as you may direct.

"Yours very truly,

"ROLLIN M. SQUIRE."

It will be observed that Squire did not execute a resignation, but only *promised* to do so, as the five Assemblymen promised. Judge Lawrence says: "The fair construction of that count is that, in consideration of the obtaining of such appointment, Squire would in

Have Abdicated Function of Office

effect abdicate his office and place his resignation in the hands of Flynn, in case of his confirmation, whenever the same might be demanded, and make no appointments in said office without Flynn's approval, and to make such removals therein as Flynn might suggest and request, and transact the business of said office as he might direct. It seems to me that there is there stated a conspiracy for the perversion or obstruction of justice, and certainly of the due administration of the laws."

The political immorality, faithlessness to country, and to their solemn oath, and complete negation of every patriotic motive involved in these promises more clearly appears from the provision in the national constitution of the Socialist party that "Every person resident of the United States of the age of eighteen years and upward" whether citizen or alien, is eligible to membership. The dues paying membership or the executive committee having control over the official action of the Assemblymen, might be composed wholly of aliens and is so composed in part. Witness Collins says the aliens are 70 per cent of the membership.

There is no identity between the dues paying membership and the Socialist party in the Assembly districts of the five Assemblymen. In Dewitt's district the enrollment of the Socialist party is 1,749; in Orr's district the enrollment is 2,307; in Solomon's district the enrollment is 2,375; in Waldman's district the enrollment is 1,378, and in Claessen's district the enrollment is 1,388 (p.). The number of dues paying members who thus control an Assemblyman appears, since there are not more than 1,200 dues paying members in the eight Assembly districts of the Bronx (p. 339), and could not exceed on the average 150 in a district; from 150 to 200 dues paying members in

Have Abdicated Function of Office

the Eighth Assembly District (Waldman), with ten thousand voters (p. 346), and between 200 and 300 dues paying members in Claessen's district, with 12,000 voters (p. 346); between 200 and 300 dues paying members in the seventeenth district with 13,000 voters (p. 347). The coterie or committee thus controlling the vote of the Assemblymen is well illustrated by the evidence of Mayor Lunn of Schenectady saying that with a dues paying membership of 800, it was entirely possible, if he yielded to their claim, to be controlled by 51 out of 100 members who attended the "local" (p. 361).

The Socialist Assemblymen do not acknowledge responsibility to the state or to their constituents in their district or even to the party that elected them but to the "dues-paying members" only. This is a breach of their official oath and obligation. The contractual obligation thus assumed is in complete conflict with their constitutional duty. These breaches of their oath are the acts of members of a revolutionary party in fulfillment of their party platforms and declarations.

*Socialist Platform Revolutionary***III.**

THE SOCIALIST PARTY IS A REVOLUTIONARY PARTY, HAVING THE SINGLE PURPOSE OF DESTROYING OUR INSTITUTIONS AND GOVERNMENT WHICH THEY ABHOR, AND SUBSTITUTING THE RUSSIAN-SOVIET GOVERNMENT OR THE PROLETARIAT GOVERNMENT INSTEAD, TO BE CONTROLLED BY THEMSELVES. THIS APPEARS FROM THEIR PLATFORMS AND PROPAGANDA.

PARTY DECLARATIONS.

From the SOCIALIST PLATFORM OF 1917, adopted just after the declaration of war:

SOCIALIST PARTY PLATFORM.

* * * * *

“ The present system of production and distribution is known as the capitalistic system to distinguish it from the several systems which preceded it, such as chattel slavery and the feudal system. Under capitalism there are two distinct classes, the capitalist class and the working class. The capitalist class is maintained by the taking of rents, interests and profits.

“ The working class, owning no industries, lives by getting wages. The worker sells the only thing that he owns, his power to labor. This power to labor lessens with the advancing years. * * *

“ Controlling the government, the capitalist class makes laws in its own interest. Behind these class laws is every instrument of the government to make sacred and defend the private ownership of land and industries and the special privileges by which labor is robbed.

Socialist Platform Revolutionary

“ Thus the economic question is a political question. How you live is a political question of momentous importance. The theory of a democratic government is the greatest good to the greatest number. The working class far outnumbers the capitalist class. This is the natural advantage of the working class. By uniting solidly in a political party of its own it can capture the government and all its powers and use them in its own interest. * * *

“ The Socialist Party aims to abolish this class war with all its evils and to substitute for capitalism a new order of cooperation, wherein the workers shall own and control all the economic factors of life. *It calls upon all workers to unite to strike as they vote and to vote as they strike — all against the master class.*

“ Only through this combination of our powers can we establish the cooperative commonwealth, wherein the workers shall own their jobs and receive the full social value of their product” (pp. 459-461). * * *

“ The Socialist Party will ever be ready to cooperate with the labor union in the task of organizing the unorganized workers, and urges all labor organizations, which have not already done so, to throw their doors open to the workers of their respective trades and industries, abolishing all onerous conditions of membership and artificial restrictions, with the view that their organizations be eventually developed into industrial, *as well as militant, class-conscious and revolutionary unions* with the development of the industries.

“ In the face of the tremendous powers of the American capitalists and their close industrial and

Socialist Platform Revolutionary

political union, the workers of this country can win their battles only through a strong class-consciousness and closely united organization on the economic field, a powerful and militant party on the political field, and by a joint attack of both on the common enemy" (p. 465).

The PROCLAMATION AND WAR PROGRAM issued unanimously by the Socialist Party in April, 1917, after the declaration of war:

* * * * *

"The Socialist Party of the United States is unalterably opposed to the system of exploitation and class rule which is upheld and strengthened by military power and sham national patriotism. We, therefore, call upon the workers of all countries to refuse support to their governments in their wars. The wars of the contending national groups of capitalists are not the concern of the workers. *The only struggle which would justify the workers in taking up arms is the great struggle of the working class of the world to free itself from economic exploitation and political oppression, and we particularly warn the workers against the snare and delusion of so-called defensive warfare. As against the false doctrine of national patriotism we uphold the ideal of international working class solidarity. In support of capitalism, we will not willingly give a single life for a single dollar; in support of the struggle of the workers for freedom we pledge our all*" (p. 450).

At the same convention of 1917 the Socialist Party repealed the anti-sabotage plank in their constitution

Socialist Platform Revolutionary

(p. 456) so that from that date, viz., the time the United States entered the war, no Socialist could be faithless to his party who was guilty of sabotage. Sabotage is a well-known practice. The meaning of sabotage is that a workman may secretly or furtively disable machinery, or in common parlance throw a wrench into the machinery so as to prevent further work being done with it, either for a time or permanently. That the Socialist Party strongly opposed the practice of sabotage as destructive of the character of the workman as well as destructive of the machinery he destroys, appears from the previous platform in the record (p. 475). The inevitable inference from the repeal of this provision at the opening of the war is that they encouraged sabotage in preventing the making of munitions to carry on the war.

That the Socialists were well aware that the course they were pursuing in relation to the war was criminal is shown by a letter addressed by the national secretary of the Young People's Socialist League, William F. Kruse, to the secretaries of the different branches or locals of the league. This letter is found in the record (pp. 608-9), and in the course of it Kruse said:

* * * * *

“ If you have followed my previous instructions you will now have an unofficial ‘ emergency ’ committee, composed of the most trustworthy young Socialists in your League; you will have several copies of your most important records and especially of your mailing list stowed away in various safe and secluded places; and you will have three trustworthy officers broken in for each important job that is vital to the welfare of the League. At least one of these officers should be a girl, so that if

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our boys were all jailed for refusal to serve, the girls can keep the League going. Now, comes the next step. * * *

“Get the emergency officers together and lay this matter before them. Make up your minds that if ever the Y. P. S. L. is suppressed you will immediately get together all of its members as quietly as possible under the name of some athletic club, dance society or pleasure club. The name of this other organization should have nothing in common with Socialism, but it will be the Y. P. S. L. just the same. Should this other organization be discovered and disrupted, go through the same process again and again and again, if necessary.”

The war proclamation of the Socialist party at St. Louis in April, 1917, was fully endorsed by the Young People's Socialist League (p. 616-18). These young people's Socialist organizations were started by and aided by the Socialist party, and resolutions adopted by the national convention to that effect (pp. 426-27).

In September, 1919, there was an emergency convention of the Socialist party of America which issued an emergency proclamation unanimously adopted by the party (p. 301.) in which they say:

“PRO-WAR SOCIALISTS REPUDIATED.

“Recognizing this crucial situation at home and abroad, the Socialist Party of the United States at its first National Convention after the war, squarely takes its position with the uncompromising feature of the International Socialist movement. We unreservedly reject the policy of those Socialists who support their belligerent capitalist governments on the plea of ‘National De-

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fense,' and who entered into demoralizing compacts for so-called civic peace with the exploiters of labor during the war and continued a political alliance with them after the war.

"We, the organized Socialists of America declare our solidarity with the revolutionary workers of Russia in the support of the government of their Soviets, with the radical Socialists of Germany, Austria and Hungary in their efforts to establish working class rule in their countries, and with those Socialists organizations in England, France, Italy and other countries, who, during the war as after the war, have remained true to the principles of uncompromising international Socialism" (p. 305).

"WORKERS MUST TAKE INDUSTRIES.

*"The great purpose of the Socialist Party is to wrest the industries and the control of the Government of the United States from the capitalists and their retainers. It is our purpose to place industry and government in the control of the workers with hand and brain, to be administered for the benefit of the whole community. * * **

"To win the American workers from their ineffective and demoralizing leadership, to educate them to an enlightened understanding of their own class interests, and to train and assist them to organize politically and industrially on class lines, in order to effect their emancipation, that is the supreme task confronting the Socialist Party of America.

"To this great task, without deviation or compromise, we pledge all our energies and resources. For its accomplishments we call for the support and cooperation of the workers of America

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and of all other persons desirous of ending the insane rule of capitalism before it has the opportunity to precipitate humanity into another cataclysm of blood and ruin.

“Long live the International Socialist Revolution, the only hope of the suffering world!” (p. 306-7).

PROPAGANDA.

Propaganda committees constitute an essential part of the Socialist organization, national, State and local. See their constitutions, put in evidence as Exhibit 1 (p. 152), Exhibit 2, put in evidence (p. 155) and Exhibit 3, put in evidence (p. 158). The propaganda clause is quoted in the record only from the regulations of New York county, but is found in the State and national constitutions, which are in evidence.

The SPEECH OF EUGENE V. DEBS on March 12, 1919, before the Socialist Party at Cleveland, published by the committee of the Socialist Party of Greater New York (p. 427) (Debs is claimed by Assemblyman Solomon as the Socialist candidate for President in 1920):

* * * * *

“I am opposed to the system under which we live. I am opposed to the government that compels you, the great body of the American people, to pay tribute to an insignificant few who enjoy life while the great body of the people suffer, struggle, and agonize without ever having lived. Can you understand? I am sure you can.

“Let me get in touch with you for a while. I am going to speak to you as a Socialist, as a revolutionist, and as a bolshevist if you please.

“And what is the thing that the whole world is

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talking about? What is it that the ruling class power of the world are denouncing, upon which they are pouring a flood of all their malicious lies? What is it? It is the rise of the workers, the peasants, the soldiers, the common man, who for the first time in history said, 'I have made what there is, I produced the wealth; I want to be heard.'

"Now, for the first time in history, his bowed head lifted, he stands erect and is beginning in his grim strength to shake off the manacles, straighten himself in the sunlight, in his gigantic attitude, opening his eyes, beginning to see for the first time, beginning to ask why it is why he must press his rags closer to his body, that he may not touch the rich man's costly silks that he himself produced — why it is that he must walk in alleys, while he is forbidden to enter the great palaces that he has erected — why it is that he must support all the banquets of the world that he may not taste.

"He is beginning to think. That is bolshevism! That is the revolution in Russia! That is the beginning of the end of capitalism and the end of the beginning of Socialism!

"And because we say this they are going to put us in jail. With every drop in my veins, I despise their laws and I defy them. If the scriptures are true, Paul was sent to prison, and shortly afterward the prison doors were opened by an earthquake..

"The earth is beginning to shake beneath the feet of the profiteers" (pp. 428-9). * * *

"You can think a bit, and I want to stir you into thought and action. We are on the eve of

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tremendous developments. The world before your eyes is being destroyed and recreated. Russia is making a beginning, the Soviet is just a sample. They have shed some blood, they have made some mistakes, and I am glad they have. When you consider for a moment that the ruling class press of the world has been villifying Lenine and Trotsky, you can make up your mind that they are the greatest statesmen in the modern world. In that brief space of time they have done more than all the capitalist governments have ever dared to do in constructive work. They have refused to compromise. They said to the old reactionaries, 'You will not have any voice in the government until you do useful work.'

"In every previous revolution it was said that the working class was not ready. Russia did not know that it was ready; that is the trouble with the working class of the world. * * * (p. 430-31).

"We need to unite. We need to get together. We need to feel the common touch. We need to recognize our kinship. The world is against us if we are not for ourselves. Through the history of the ages you have been oppressed, you have been downtrodden, you have been exploited, you have been degraded. When you go for a job to the master class you work under conditions they prescribe. You depend upon them for work. You work for their benefit. Do you like this? This is capitalism. * * * (p. 432).

"These crimson flowers that have just been presented to me represent the springtime, the springtime of revolution" (p. 433).

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This speech was circulated by the New York Socialist Committee with an introduction in part as follows: "Eugene Victor Debs, the Champion of the American Working Class. His Last Speech before His Voice was Silenced" (p. 435).

"But the events of the strike had taught Debs a lesson that he never forgot. They showed him that, in every struggle against the working class, capitalism presents a solid front against the laboring class, that the government, in every such struggle, *stands with the enormous powers of its armies* and its courts on the side of organized capital, against the forces of labor. Debs went into Woodstock jail because he had led his class in revolt against industrial oppression. He came out a confirmed Socialist, because he realized that the struggle of the working class against capitalist oppression cannot be won until the working class has captured the entire machinery of government that to-day is the greatest weapon in the hands of its enemies, until it has taken control of the means of production, to use them for its own interests" (p. 436).

See Debs article on the McNamara's in the International Socialist Review (pp. 651-658).

THE MOSCOW MANIFESTO ENDORSED BY
THE NATIONAL SOCIALIST PARTY AND DIS-
TRIBUTED AMONG THE SOCIALISTS OF
AMERICA.

The secretary of the literature department of the Socialist party says in a letter, June 21, 1919, to the Rochester local (p. 278):

"I am pleased to announce the publication of two vital documents in pamphlet form, viz.: 'The

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Manifesto Communist International' issued 1919 by the Soviets of Russia at Moscow to the toiling masses of the world. This is undoubtedly the greatest declaration ever issued from any working class tribunal since the Communist Manifesto of Marx and Engles. * * * The second is 'The Constitution World's First Socialist Republic.'"

EXTRACTS FROM THE MOSCOW MANIFESTO
(p. 279):

"For a long span of years, Socialism predicted the inevitableness of the imperialistic war; it perceived the essential cause of this war in the insatiable greed of the possessing classes in both camps of capitalist nations. * * * Alongside the dethroned dynasties of the Romanoffs, Hohenzollerns and Hapsburgs, and the capitalistic cliques of these lands, the rulers of France, England, Italy *and the United States stand revealed in the light of unfolding events and diplomatic disclosures in their immeasurable vileness* * * * (p. 281).

"Only the Proletarian Dictatorship, which recognizes neither inherited privileges nor rights of property, but which arises from the needs of the hungry masses, can shorten the period of the present crisis; and for this purpose it mobilizes all materials and forces, introduces the universal duty of labor, establishes the regime of industrial discipline, this way to heal in the course of a few years the open wounds caused by the war and also to raise humanity to a new undreamed of height. * * * (p. 283).

"The outcry of the bourgeois world against the civil war and the red terror is the most colossal hypocrisy of which the history of political struggles

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

“The communist parties, far from conjuring up civil war artificially, rather strive to shorten its duration as much as possible — in case it has become an iron necessity — to minimize the number of its victims, and above all to secure victory for the proletariat. This makes necessary the disarming of the bourgeoisie at the proper time, the arming of the laborers, and the formation of a communist army as the protector of the rule of the proletariat and the inviolability of the social structure. Such is the Red Army of Soviet Russia which arose to protect the achievements of the working class against every assault from within or without. The Soviet Army is inseparable from the Soviet State. * * * (pp. 288–9).

“Decades of organizing and labor reformism created a generation of leaders most of whom gave verbal recognition to the program of social revolution but denied it in substance. * * * (p. 289).

“Proletarians of all lands! In the war against imperialistic barbarity, against the monarchy, against the privileged classes, against the bourgeois state and bourgeois property, against all forms and

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varieties of social and national oppression —
Unite!

“Under the standard of the Workingmen’s Councils, under the banner of the Third International, in the revolutionary struggle for power and the Dictatorship of the Proletariat, proletarians of all countries — Unite! * * * (pp. 290–91).

“THE CAPTURE OF POLITICAL POWER.

“Seizure of political power by the proletariat means destruction of the political power of the bourgeoisie. The organized power of the bourgeoisie is in the civil State, with its capitalistic army under control of bourgeois-junker officers, its police and gendarmes, jailers and judges, its priests, government officials, etc. Conquest of the political power means not merely a change in the personnel of ministries but annihilation of the enemy’s apparatus of government; disarmament of the bourgeoisie, of the counter-revolutionary officers, of the White Guard; arming of the proletariat, the revolutionary soldiers, the Red Guard of Workingmen; displacement of all bourgeois judges and organization of proletarian courts; elimination of control by reactionary government officials and substitution of new organs of management of the proletariat. Victory of the proletariat consists in shattering the enemy’s organization and organizing the proletarian power in the destruction of the bourgeois and upbuilding of the proletarian State apparatus. Not until the proletariat has achieved this victory and broken the resistance of the bourgeoisie can the former enemies of the new order be made useful, by bringing them under control of the communistic structure and gradually bringing them into accord with its work (p. 292).

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"THE WAY TO VICTORY.

"The revolutionary era compels the proletariat to make use of the means of battle which will concentrate its entire energies, namely, mass action, with its logical resultant, direct conflict with the governmental machinery in open combat. All other methods, such as revolutionary use of bourgeois parliamentarism, will be of only secondary significance. * * * (p. 296).

"DOWN WITH THE IMPERIAL CONSPIRACY OF CAPITAL!

"LONG LIVE THE INTERNATIONAL REPUBLIC OF THE PROLETARIAN COUNCIL!" (p. 298).

The following extracts are from a book in Yiddish, published by the Jewish Socialist Federation of America, New York, such Federation being part of the Socialist Party, (pp. 199, 204, 207). Published in Yiddish the principles of Socialism were not camouflaged as they frequently are in English.

"Paragraph 1.—History teaches us, that through evolution, through natural developments alone, no ruling class in society has yet ever been deposed from its power. The feudal aristocracy which lost its importance in society in the 18th century, did not surrender its position good naturedly. It defended its position by force, with lead and iron. Workingmen cannot depend on 'peaceful evolution'; they must prepare for a revolution, and class-dictatorship" (p. 207).

"The Socialist movement rouses the workingmen to revolution, it preaches to them class-struggle, awakens within them class-consciousness,

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makes all necessary preparations for a Socialistic order. When society is ready for the overturn, when the Socialist organization feels that the moment has come, it will make the revolution. To predict when and how this should be done, is impossible. This is a thing which must be determined separately in every country, because the circumstances in every country are different. No sooner than the revolution is made, however, the first aim of the Socialists must be to seize the government, the State, by whatever means they can succeed in doing this with and then their rule must establish the dictatorship of the Proletariat.

“This dictatorship will be employed for one thing, to eliminate capitalism by force, take away by force the capital from private owners and transfer it to the ownership of the community. After this work is finished, there will remain nothing more for the dictatorship, for the proletarian State to do. The industries will then be managed by the workingmen, through their Soviets. The economic order will be carried out through the Soviets. Until now the State had a function, a task, to defend the ruling class against the oppressed classes. But now, when private ownership is entirely eliminated, the oppressed class will be the bourgeoisie, whom the dictatorship of the proletariat will dominate and cause to entirely disappear, then what is the State needed for? There will be no more State, no more dictatorship. There will be only a Communist order, which will be managed by the workingmen themselves, that is by all the inhabitants of the country, through Soviets, or through some other system.”

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Page 20, under chapter titled, "The Socialists and the Democratic State":

"Consider the question, that so long as the State is an instrument, a tool in the hands of the bourgeoisie in the fight against the proletariat, so long as the State is the dictatorship of the bourgeoisie, then why do the Socialists seek to send their representatives there? Where do Socialists fit into the State? What can they do there?"

"Socialists seek to enter into the government for two reasons, first, to be nearer to the doors of the chambers, where dictatorship sits, and second to hinder the dictatorial work in any way possible. The first reason is the most important. Sitting in Parliament or in Congress, being inside of the government ranks, affords Socialists an opportunity to find out the plans, the strategy of the State. And knowing this, they can carry out their propaganda the better" (p. 208).

"Socialists seek to be elected into the government principally for the sake of propaganda."

"To the Socialist at present, the meaning of class struggle, INTERNATIONALE AND DICTATORSHIP OF THE PROLETARIAT, MUST BE CLEAR. He must understand that Socialism is not a reform movement. He must know, that Socialism is a Revolutionary world-perspective, and that the Socialist movement is a Revolutionary movement."

Same page, same chapter, continued:

"The Socialist now must grasp accurately what the State is, what a Democracy is, and what his attitude as a Socialist must be to the State and to Democracy. He must cease to be a moral preacher

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and become a fighter. He must know that the Socialist movement is a red movement, a movement with blood in the veins, which knows that nothing in life can be won without a struggle."

Page 23. Under chapter titled, "The Socialist Movement After the War" (continued).

"The great task of the Socialist movement is to create an army in the country, which should be ready to make the Socialist revolution, when the suitable moment arrives. This army must know its aims, and the methods of attaining these aims. It must be an intelligent army, every soldier in it, must himself know the way, the plans, the strategy. The Socialist soldiers must (page 24) not be blind sheep under the command of a general. Such an army is good only in a fight for the darkness of reaction, not in a fight for light and freedom.

"At present it is not at all difficult to muster and instruct a Socialist army" (p. 209).

A second book from this Jewish Socialist Federation was introduced in evidence (p. 210), from which the following is quoted:

"Bolshevism is not a new Socialist theory, but the practical carrying out in life of the old Socialist theory.

"Bolshevism especially is not a theory. Bolshevism is a method of how to establish Socialism in life.

"Bolshevism is practical Socialism, the Socialism of to-day, and not of the remote future day."

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(A letter to American Workingmen from N. Lenine:)

“It would indeed be small heroism to make a revolution having in advance a sure guarantee that it will be crowned with success. For that it is not necessary to be a revolution. But since a revolution is bound up with a risky undertaking, which can as suddenly end in defeat as in victory there must therefore be revolutionists for it, who have courage, boldness, and self-sacrifice.”

Page 15, chapter 2:

“It must take time until the capitalistic society is smashed and torn up by root, and it must take time till the Socialist Society order is built up and organized. But in order to smash the old order and begin to build the new, must be had first of all, that the power of government should find itself in the hands of the proletariat. This is the first great, important step on the way to realization of Socialism.” (p. 216.)

Page 68, chapter 6, entitled, “Bolshevism and Democracy”:

“Is Bolshevism democratic? Does the Bolshevik revolution and the Bolshevik actions agree with the accepted maxims of democracy? No, they do not. But what revolution does agree with the maxims of democracy? A revolution is an act of violence, and is almost always carried out by an organized resolute minority. No revolution is decided by referendum, and no revolution is parliamentary democratically lawful.

“The Bolsheviki employed acts of violence in their revolution, that surely is not democratic. But how can a revolution be made without acts of violence”?

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Page 67, chapter 6, "Bolshevism and Democracy":

"If it was permissible to overthrow the Czar by violence, then why is it not permissible to overthrow the gentlemen and bunkers by violence?"

"Revolution is war, civil war, one class wars on the other for power, and as surely as a war cannot be conducted on sound democratic maxims, neither can a revolution be conducted in a democratic manner. And the revolution in Russia has not ended yet." (p. 217.)

The *American Socialist* is the official organ of the National Socialist Party (p. —), and published the following in relation to Liberty bonds:

"These bonds are not for 'Liberty' but for bondage. We have a right to disbelieve you gentlemen of the administration. You are elected on the slogan 'He kept us out of war,' and the people not wanting war, you forced us into it.

"You told us and still tell us of your great love for 'democracy' and discipline when you passed your infamous and un-American conscription law. You in no way practice that principle. You tell us of your great concern for the welfare of the people, but what have you done to relieve the pressure from constantly increasing prices of food-stuffs? We realize that our only hope lies in ourselves and in keeping with that we shall rally the workers of the country into one organization, the Socialist Party, which is dedicated to true democracy" (p. 619).

Hillquit advised against buying Liberty Bonds, p. 739.

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From the *American Socialist* of April 14, 1917, the following:

"WOMEN AND WAR

"By EDMUND R. BRUMBAUGH

"A kindly, learned gentleman of 'Old Virginia' saw two women trying to induce a young man to enlist. 'I don't very often feel like hitting women with a baseball bat,' he said, in relating the incident, 'but I did then.' He was an ex-Confederate veteran. He knew what war was. An ardent pacifist, the action of the women seemed despicable in his eyes.

"And the action was despicable. Women soliciting for such a purpose are only a step higher than women who solicit for the sale of their bodies and in fact the latter deserve only deepest compassion, while the former are entitled only to contempt. Such women are unworthy of their sex. Too sacred and solemn for them is the function of motherhood. Theirs are women's bodies, their women's physical possibilities, but lacking in them are women's hearts and women's souls.

"Something in military display seems to appeal with particular force to the feminine nature. Brass bands and soldierly carriage win her as well as eloquent wooing and big bank accounts. An effective peace propaganda, therefore, must be conducted with a view to paying particular attention to the women.

"'Lips that touch liquor shall never touch mine' is the burden of an old temperance song. 'Hands that hold guns shall never hold mine' should be the new version.

"Sentimental? Yes. But sensible, nevertheless. It would work" (pp. 609-610).

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These platforms, declarations and propaganda are not occasional or sporadic or due to the war, but are expressive of the deliberate purpose that has endured as long as the Socialist Party has existed in America. The volume of their resolutions, declarations and propaganda is so great that they may not even be enumerated in this statement. It is illustrated by an article entitled "Respect the Uniform; Honor the Flag," printed in the New York Call, an organ of the Socialist Party on the editorial page, February 10, 1912:

**"RESPECT THE UNIFORM; HONOR THE
FLAG"**

By Richard Perin.

"The capitalist class, alarmed at the amazingly rapid growth of anti-militarism in this country, is endeavoring, through church and government, to combat this just sentiment, and by law and precept to create an artificial respect and love for the soldiers' uniform and the American Flag.

"'Respect the uniform, honor the flag,' is their cry, and they are foolish enough to believe that if they raise their voices loud enough and long enough we, the workers, will become infected by their fictitious enthusiasm and shout with them.

"'Honor the uniform!' Oh, surely! Honor the trappings and the gold lace with which they are dressing up their weak-minded scabs! Honor the uniform which has the power to transform a decent but ignorant boy of the working class into an unthinkable savage who would, if ordered to do by a superior in rank, shoot down his aged father or kill his sister's unborn child with a bayonet thrust should they happen to be on strike and cry-

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ing aloud for a little more bread, warmer clothing and better shelter. Honor the uniform? No; spit on it! Make it a shame and reproach until a worker who wears it will not dare to show his face among decent working people.

“Honor the uniform! Honor that which gives a free license to kill if the victim happens to be a worker? Honor that which stands for oppression, for the loafer against the worker, for the master against the slave? Honor that which causes a worker to become a traitor to his class, to forget his ties of blood, and for pay to deliver himself over body and soul to his natural enemy, the capitalist class? Honor the Judases, the Benedict Arnolds of the working class? Our masters insult us by even asking such a thing.

“Shall we honor the Massachusetts militiamen, who, without the slightest provocation, murdered a young worker? Is that what you want us to do, you capitalists, you cardinals and presidents? You ask too late, for we already despise and loathe your decorated hirelings, and are, as time passes, making it more and more difficult for you to recruit our decent boys and transform them into loathsome parasites.

“‘At least honor the flag,’ they cry in desperation. ‘Honor the flag which stands for freedom, equality and fraternity.’

“What flag? The American flag? The Stars and Stripes? The flag which floats over every hell hole of mine and mill and prison? The flag which floats over every station house and barracks whence issue police and soldiers to batter down and murder workers exercising their constitutional rights of free speech and free assemblage? Honor the

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flag which you, our masters, have changed from a flag of liberty into a symbol for the cruelest exploitation and vilest oppression of the new civilization.

“ If I had been Samuel Gompers when he was reproached by the capitalists for placing his foot on the American flag, I would have answered :

“ ‘ Yes, I trampled on it, and more than that I spit upon your flag, not mine. I loathe the Stars and Stripes, once the symbol of liberty for all, but now the stripes represent the bloody stripes left by your lash on the back of the worker, and the stars the bullet and bayonet wounds in his breast. To hell with your flag! ’

“ There is and can be but one flag for which an intelligent workingman can have any respect, the flag of humanity, the flag of human brotherhood, the red flag of the working class. It stands for justice, for equality of opportunity, for the abolition of the war, the end of oppression and exploitation, for care free childhood, for glorious unfettered manhood and womanhood and for honored and protected old age.

“ When the red flag flies above our homes and our nation, we shall honor it and love it. But until it does we refuse to recognize or respect any flag which is merely the symbol of and protects some national section of international capitalism. Down with the Stars and Stripes! Run up the Red Flag of humanity! ” (pp. 847-8).

It is by pressing propaganda of this kind through a period of years that the end is sought to be accomplished. As Martens, the Russian Ambassador of the Bolshevik government said, “ The Russian revolution is fifty years old, and the result of their propaganda.”

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Morris Hillquit says in his communication to the "Call" on page 351, in speaking of the division in the Socialist ranks, "the bulk of their following is good socialist material, *and when the hour of the real socialist fight strikes, in this country, we may find them again in our ranks.*"

IV.

THE SOCIALIST PARTY IS NOT A NATIONAL PARTY, LIKE THE DEMOCRATIC PARTY OR THE REPUBLICAN PARTY, WHOSE AIM IS TO CONSERVE AND PRESERVE THE NATION. THE SOCIALIST PARTY IS AN ANTI-NATIONAL PARTY WHOSE ALLEGIANCE IS GIVEN TO THE INTERNATIONALE AND NOT TO THE UNITED STATES WHOSE GOVERNMENT AND INSTITUTIONS IT WOULD DESTROY.

This proposition is well established by the platform and propaganda of the party and the speeches already quoted. Special reference may be made however to the following:

At their national convention in April, 1917, the party after declaration of war by the United States declared:

(From the report of the Committee on War and Militarism, p. 449 of printed record.)

"The Socialist Party of the United States in the present grave crisis *solemnly reaffirms its allegiance to the principle of Internationalism and working class solidarity the world over* and proclaims its unalterable opposition to the war just declared by the government of the United States."

"The Socialist Party of the United States is unalterably opposed to the system of exploitation and class rule which is upheld and strengthened

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by military power and sham national patriotism. We, therefore, call upon the workers of all countries to refuse support to their governments in their wars. The wars of the contending national groups of capitalists are not the concern of the workers. The only struggle which would justify the workers in taking up arms is the great struggle of the working class of the world to free itself from economic exploitation and political oppression, and we particularly warn the workers against the snare and delusion of so-called defensive warfare. As against the false doctrine of national patriotism we uphold the ideal of international working class solidarity. In support of capitalism, we will not willingly give a single life for a single dollar; in support of the struggle of the workers for freedom we pledge our all." (Proclamation and War Program, p. 450.)

In the amendment to their national platform in 1919, just approved by the vote of the Socialist party (see admission made on February 10), the party declares:

"Any International, to be effective in this crisis, must contain only those elements who take their stand unreservedly upon the basis of the class struggle, and who by their deeds demonstrate that their adherence to this principle is not mere lip loyalty. * * *

"The Socialist party of the United States, in principle and in its past history, has always stood with those elements of other countries that remained true to their principles. The manifestos, adopted in national convention at St. Louis (1917) and Chicago (1919), as well as Refer-

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endum 'D' 1919 unequivocally affirm this stand. These parties, the Majority parties of Russia, Italy, Switzerland, Norway, Bulgaria, Serbia, Greece, and growing minorities in every land, are uniting on the basis of the preliminary convocation, at Moscow, of the Third International. As in the past, so in this extreme crisis, we must take our stand with them.

"The Socialist Party of the United States, Therefore, declares itself in support of the Third (Moscow) International, * * * *'" (pp. 326-7).

Algernon Lee, the head of the Rand School, was asked on page 536:

"Q. Do you mean by the Internationale a convention? A. I mean these conventions or congresses, the International Socialist Bureau established by these Congresses, with its executive committee and its secretary which acts in the interim between Congresses, and I mean the Socialist Parties of the various countries as affiliated, as represented in these Congresses and affiliated with this Bureau."

And again at page 569, the following:

"Q. When you spoke of 'we having a certain number of seats,' whom did you mean? A. Socialists.

"Q. Socialists. The Socialists were the socialists who had a certain number of seats in the Duma, a Russian body, that had a certain number of seats in the Austrian House of Legislation? A. Yes.

"Q. 'We, the Socialists, had a certain number of representatives in other national parliamentary

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and legislation-making organizations or bodies?’

A. Yes, yes.

“Q. There was, you say, and it has been indicated a number of times upon the record, opposition, thorough-going, unwavering, undeviating opposition to the war by the Socialist party everywhere? A. Yes.

“Q. Yes. And of course that attitude with respect to the war followed the program adopted by the Internationale? I think that Mr. Stedman directed your attention to that, is that true? A. Yes, yes.

“Q. That opposition would, of course, be the strongest in those countries where the Socialist party was the strongest, wasn't it? A. If the Socialist parties in those countries acted in accordance with that general conception.

“Q. Yes; so that the countries where the Socialist party had the largest share in the determination of national policy, would find itself committed to that extent to the program of the Socialist party with regard to preparation of war and for the continuance of war wouldn't it? A. It would in so far as it was under the Socialist influence.

“Q. It would in so far as it was under the Socialist influence? A. Yes. It would find itself committed to such a policy as would prevent the outbreak of war.

“Q. That would very largely, would it not, Mr. Lee, place countries where there was a very large influence of the Socialist party, very largely at the mercy of those countries that did not have such a large Socialist representation? A. Oh, I see your point.

“Q. Yes; it is quite obvious? A. That is just the reason, sir, for the necessity of an Interna-

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tional rather than a purely national action upon such questions.

“ Q. Yes, but the effect of it, so far as the individual country is concerned, is determined by the extent to which the Socialist movement has progressed in any given country? A. And by the particular lines of action which it may follow.

“ Q. So it may follow — A. Which may be influenced by the consideration, among other things, of the point you have mentioned ” (pp. 570-571).

The American Socialist party is a part of the Internationale, and the Internationale is the expression of the organized activity of socialism as centralized in its international congresses represented by the groups of all nations (p. 771). It is not an American party, but an international party (p. 774).

Hillquit, the leading counsel for the Socialist party, was a delegate to the Copenhagen Internationale in 1910, and in his report to American Socialists stated that the socialist party in America stands in accord with the fundamental principles of international socialism in theory and practice (p. 771).

Class struggle is a part of the world-wide propaganda of the Socialist party (p. 678), and when Socialism triumphs, all boundary lines between nations is to be wiped out (p. 893).

The International revolution is promulgated because it is thought the Russian revolution cannot be enduring unless it extends to other countries (pp. 677-8). Thus the propaganda instigated in Russia by Lenine and Trotzsky is aimed at the destruction of the American Republic (p. 676).

While the Socialist party may be known as a pacifist party in wars between separate nations, it is in fact for universal war (p. 853).

Socialist Allegiance to Internationale

Social revolution is a cardinal belief of all socialists as the necessary means of bringing about the destruction of the present order and the abolition of existing institutions (p. 673) to be followed by the collective commonwealth (p. 674).

The conflict of Socialism with national welfare became acute as the war progressed. Those Socialists abroad who felt it their duty to support their nations in time of war, were outlawed from the party, and every patriotic American who prior to the war, was a member of this party, was obliged to sever his relationship with the party or become a traitor. Nothing could establish more conclusively the fact that it is impossible to be a Socialist and a patriot at the same time.

Being citizens of the Internationale rather than of the United States, the Socialists of course prefer the triumph of the Internationale to the maintenance of the United States as a government or country. They are accordingly opposed to an army or navy or war which tends to maintain the government of the United States and so prevents the triumph of the Internationale.

*Mass Action and General Strike***V.**

“MASS ACTION” AND THE “GENERAL STRIKE” ARE ADVOCATED AND URGED BY THE SOCIALIST PARTY AS A PART OF THE PLAN TO BRING ABOUT CONDITIONS FAVORABLE TO REVOLUTION, AND AS INSTRUMENTS OF REVOLUTION AND NOT TO REMEDY INDUSTRIAL EVILS. THE REVOLUTIONARY PURPOSE AND NON-POLITICAL CHARACTER OF SUCH ACTS MAKE THEM TREASONABLE, AND WHETHER CRIMINAL OR NOT IN THE ABSENCE OF SUCH PURPOSE, TREASONABLE WITH IT.

While this proposition is well supported by the platforms and propaganda of the Socialist party already quoted, special reference may be had to the following documents and proofs: The preamble unanimously adopted on the submission of the amendment to the Socialist constitution at the national convention of the Socialist party in Chicago in September last, declared:

“The Socialist party seek to organize the working class for independent action on the political field, not merely for the betterment of their conditions, but also and above all with the revolutionary aim of putting an end to exploitation and class rule. Such political action is absolutely necessary to the emancipation of the working class, and the establishment of genuine liberty for all.

“To accomplish the same, it is necessary that the working class be powerfully and solidly organized also on the economic field, to struggle for the same revolutionary goal; and the Socialist party pledges its aid in the task of promoting such industrial organizations and waging such industrial struggle for emancipation.” (P. 324.)

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In the manifesto issued by the same convention:

“To insure the triumph of Socialism in the United States the bulk of the American workers must be strongly organized politically as Socialists, in constant, clear-cut and aggressive opposition to all parties of the possessing class. They must be strongly organized in the economic field on broad industrial lines, as one powerful and harmonious class organization, co-operating with the Socialistic party, and ready in cases of emergency to reinforce the political demands of the working class by industrial action.

“To win the American workers from their ineffective and demoralizing leadership, to educate them to an enlightened understanding of their own class interests, and to train and assist them to organize politically and industrially on class lines, in order to effect their emancipation, that is the supreme task confronting the Socialist party of America.

“To this great task, without deviation or compromise, we pledge all our energies and resources. For its accomplishment we call for the support and co-operation of the workers of America and of all other persons desirous of ending the insane rule of capitalism before it has the opportunity to precipitate humanity into another cataclysm of blood and ruin.

“Long live the International Socialist Revolution, the only hope of the suffering world!”
(Pages 306-7.)

At the National Convention of the Socialist Party of America, held in St. Louis, immediately after the declaration of war by the United States, a resolution

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was adopted containing the following provision (see page 455 of the record):

“ 5. Extension of the campaign of education among the workers to organize them into strong, class-conscious, and closely unified political and industrial organizations, to enable them by concerted and harmonious mass action to shorten this war and to establish lasting peace.”

The Socialist platform adopted at the same convention contained the following admonition — referring to the Socialist Party:

“ It calls upon all workers to unite to strike as they vote, and to vote as they strike — all against the master class.” * * *

“ Only through this combination of our powers can we establish the co-operative commonwealth ” (p. 461).

In a resolution adopted at the same convention we find the following:

“ The Socialist Party will ever be ready to cooperate with the labor unions in the task of organizing the unorganized workers, and urges all labor organizations, which have not already done so, to throw their doors open to the workers of their respective trades and industries, abolishing all onerous conditions of membership and artificial restrictions, *with the view that their organizations be eventually developed* into industrial, as well as militant, class-conscious and revolutionary unions with the development of the industries.

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“In the face of the tremendous powers of the American capitalists and their close industrial and political union, the workers of this country can win their battles only through a strong class-consciousness, and closely united organization on the economic field, a powerful and militant party on the political field, and by a joint attack of both on the common enemy.”

In furtherance of this plan of industrial organization and action, the following instructions were given to members of the Socialist Party in the same resolution:

“It is also the duty of the members of the Socialist Party who are eligible in the unions to join and be active in their respective labor organizations.”

These declarations are an echo from the Moscow manifesto: “Whenever the masses are awakened to consciousness, Workers’, Soldiers’ and Peasants’ Councils will be formed.” * * *

“To fortify these councils, to increase their authority, to oppose them to the State apparatus of the bourgeoisie, is now the chief task of the class-conscious and honest workers of all countries. By means of these councils the working class can counteract that disorganization which has been brought into it by the infernal anguish of the war, by hunger, by the violent deeds of the possessing classes, and by the betrayal of their former leaders. By means of these councils the working classes will gain power in all countries most readily and most certainly when these councils gain the support of the majority of the laboring population. By means

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of these councils the working class, once attaining power, will control all the fields of economic and cultural life, as in the case of Russia at the present time" (pp. 287, 288).

"Bourgeois democracy, with its parliamentary system, uses words to induce belief in popular participation in government. Actually the masses and their organizations are held far out of reach of the real power and the real State administration. In the Council system the mass organizations rule and through them the mass itself, inasmuch as the Councils draw constantly increasing numbers of workers into the State administration; and only by this process will the entire working population gradually become part of the government. The Council system also builds itself directly on the mass organizations of the proletariat, on the councils, themselves, the revolutionary trade unions, the co-operatives, etc. Bourgeois democracy and its parliamentary system sharpen the separation of the masses from the State by division of the government into legislative and executive powers, and through parliamentary mandates beyond popular recall. The Council system, by contrast, unites the masses with the organism of government by right of recall, amalgamation of legislative and executive powers, and by use of working roads" * * * (pp. 293-294).

"THE WAY TO VICTORY.

"The revolutionary era compels the proletariat to make use of the means of battle which will concentrate its entire energies, namely, mass action, with its logical resultant, direct conflict with the

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governmental machinery in open combat. All other methods, such as revolutionary use of bourgeois parliamentarism, will be of only secondary significance" (p. 296.)

Not differing from the Communists in principle (p. 846), the Socialists would unite with them for the common end.

See letter of the secretary and Executive Committee of the New York State Socialist party to the "Rochester Communist" dated September 29, 1919:

"To all Socialist party locals, State of New York. Dear Comrades: It has come to the attention of the State Executive Committee that a situation has developed in various sections of the State wherein members of the communist or of the communist labor parties, have been nominated for public office on the Socialist party ticket.

"It is imperative that The Working Class shall stand as a unit in its struggle against the capitalistic class.

"You are urged to go forward with your campaign just as vigorously as ever regardless of the makeup of the ticket at the present moment. Whatever the personnel of the ticket may be, you will be voting for the Working Class and Socialism. Let us prove our devotion to the slogan, 'Workers of the World Unite'; 'You Have Nothing to Lose But Your Chains! You have a World to Gain!' Forget the personalities and wage the strongest campaign we have ever yet put up.

"Yours for Socialism (pp. 811-12).

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The meaning of industrial action, as understood by the members of the Socialist Party of America, was stated by Algernon Lee (p. 580):

“ Q. Are strikes one of the means of mass action which the Socialist Party contemplates the use of? A. On occasions where they are suitable for the purposes of the working class, yes, sir.

“ Q. Did you ever hear of any political party advocating the use of strikes? A. Oh, yes.

“ Q. Socialist Party? A. Yes.

“ Q. Did you ever hear of a general strike? A. Very often.

“ Q. What is a general strike? A. A general strike means a strike which, if the phrase is used accurately —

“ Q. Let's use it accurately. A. Yes. It means a strike which extends to numerous trades and occupations for some general purposes concerning the interest of the working class movement as a whole.

“ Q. Yes. A. We might call it a general strike without it being absolutely universal. I suppose it would be hard to say just how large it would be to call it general, but I think my answer is clear.

“ Q. The general strike? A. Very frequently the general strike is used to back up political action, not always.”

Speaking of this organization of workers, the witness Collins says:

“A. I would say that from the interpretation by the authorities of Socialism, of Marx, Engels, Liebknecht and down to Debs in our own country,

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that the prime object of the formation of an industrial so-called organization among the workers is for the purpose of capturing the working class machinery, the trade union movement, to use that as the lever or crow-bar, and by means of mass action, and revolutionary action, by such mass action, to entirely destroy the existing institutions of society, and the present order of government” (p. 644).

The witness continues:

“Q. Have you heard the term, industrial action, defined by members of the Socialist Party?
A. Yes, very frequently.

“Q. What is their definition? A. That industrial action would be the direct action of the workers when the expedient time had arrived for bringing about the revolution.

“Q. Are you familiar with the use of the term mass action by members of the Socialist Party of America as an essential means for accomplishing their objects? A. I am.

“Q. What is meant by mass action? A. Mass action would be the solidarity of the workers as workers alone for the purpose of directing that action when the time became expedient, and deemed by the great number as expedient, to destroy the present order of society” * * * (pp. 667-8-9).

“Q. Have you heard representatives of the Socialist Party urge that a revolutionary attitude be adopted by the trade union with respect to instituting commonwealth control by the so-called workers in their own interests as a class in opposi-

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tion to what they term capitalistic class? A. I have.

“ Q. What have you heard Socialists say in their public utterances as to the use to be made in the general strike in forcing their demands upon the American people? A. That it was the one real weapon to be used by Socialism for the purpose of arousing the working class to bring about the revolution, and, of course, it has nothing to do with the legitimate aspirations of the workers passing the expression of the labor movement.”

And further :

“ The general strike comes as a result of the manufacturing of class hatred in the hearts of the workingmen, upon the contention that the workingman must inevitably hate and despise the man for whom he works. That the workingman, hating the man for whom he works, that this bitterness and hatred must be organized until finally it is organized sufficiently to bring about mass action, and the general strike for the purpose of destroying the present order of government and the institutions of society. That is the general strike.

“ Q. That is, so-called ‘ general strike ’ means a strike of all industries at the same time? A. ‘ General strike ’ would mean, if socialism were successful in bringing it about, it would be absolute stopping of all industries, and the demoralizing of every institution of government ” (p. 677).

One of the means of precipitating the crisis is mass action involving violence if necessary. The only differ-

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ence of opinion is as to the time when expedient (p. 674).

The general strike is but a phase of this mass action (p. 675), and is endorsed by the Socialist Party (p. 395).

The supreme importance attached by the Socialist party to mass action and the general strike as a means of accomplishing their revolutionary purpose appears from the war proclamation of 1917, issued immediately after the declaration of war:

“In harmony with these principles, the Socialist party emphatically rejects the proposal that in time of war the workers should suspend their struggle for better conditions. On the contrary, the acute situation created by war calls for an even more vigorous prosecution of the class struggle, and we recommend to the workers and pledge ourselves to the following course of action:

“1. Continuance, active, and public opposition to the war, through demonstration, mass petitions, and all other means within our power.”

Mass action and the general strike are employed to overcome representative government through violence; to enable the minority to overcome the majority; and will not be delayed to enable the nation to win a war or repel a foe.

*Five Assemblymen Revolutionary***VI.**

THE FIVE ASSEMBLYMEN STAND SQUARELY WITH THEIR PARTY FOR THE OVERTHROW OF OUR GOVERNMENT. THREE OF THEM — CLAESSENS, SOLOMON AND WALDMAN — AVOWED THESE DOCTRINES AS CANDIDATES FOR THE ASSEMBLY.

CLAESSENS .

On the 7th of November, 1919, at Park View Palace, 110th street and Fifth avenue, the Socialist Party of New York celebrated the second anniversary of the Russian-Soviet Republic (p. 228). Before Claessens spoke, Alexander Trachtenberg, the presiding officer, said:

* * * * *

“ This meeting has been arranged by the Socialist Party of New York County, to celebrate the second anniversary of the proletarian revolution which took place in Russia on November 7th, 1917. Those of you who are members of the party, those of you who are Socialist sympathizers, those of you who read the Call or Forwards, or any other Socialist publication, are well acquainted with the history of the Russian revolution beginning March, 1917, up to the uprising in 1917, in November, and the establishment of a Soviet Government. When we celebrate the second anniversary of the Russian revolution, as we celebrate the first anniversary, and in fact as we celebrate the establishment of the Soviet Government, *we always try to draw a few lessons for us in America, for the organized labor and Socialist movement in this country, because there is no use having revolutions*

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somewhere else if the workers of the other countries cannot profit by it.

*“The reason for such a thing as an isolated revolution in some corner of the earth, where the people of the other parts of the world will not profit by it — and therefore, on this second anniversary, we ought to think, and think very deeply as to what the meaning is of that revolution; what it means not only to the Russian worker; what it means to the workers of the world; what it means to the movement we have been working for and fighting for for so many years, and what it means for us in the future. It seems to me as it seems to the Socialists of America that this establishment of the workers’ government in Russia proves one thing, that if the workers are organized, organized politically and economically, and organized in a way we have to understand not only their immediate conditions, not only their immediate requirements, but understand the great purpose of an organized labor movement, with them to understand the great mass of the working class and what they have to perform in this world — then we can have not only a Soviet Russia, but a Soviet Government in England, Germany, and a Soviet America, just as well. (Applause.) * * **

“We must then take this lesson, but if the American working class were organized on the same basis as the Russian workers were, fully understanding the mission of the working class, we probably to-day in America would perhaps be celebrating our own establishment of a working government, our own establishment of a Soviet government, instead of only celebrating what has happened there on the other side of the ocean.

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“The Socialist party is very anxious in organizing these meetings, in putting forth proclamations on this subject, to call attention to the workers of America, that the Russian Socialist revolution in November, 1917, teaches the workers of the world that great lesson, that solidarity, class consciousness, sacrificial idealism which Russian workers have manifested in this great work, is not only purely a Russian method, but it is an international method; and if our hearts and our minds link together with those Russian comrades and we understand them, then we know what it is up to us to do in this country.

“I have no more to tell you. You reason it out for yourselves” (pp. 271-272).

Trachtenberg was followed and endorsed by Claessens. Claessens' speech is reported in full at page 229. Among other things Claessens said: * * *

“Yes, as Comrade Trachtenberg said, when we read and when we hear these things, we immediately begin to grasp the significance of what Socialists call the ‘Social Revolution.’ The revolution itself, you know, which so scared the average thick-headed American (laughter) into the idea of bloodshed and violence, a revolution that history tells us is a very harmless sort of thing — it is a change in the form of government — ‘A change from a kingdom to a so-called republic is accomplished by revolution.’ ‘Revolutions,’ says Kirkpatrick, ‘are seldom noisy or bloody, unless the ruling class imprudently and stupidly stand in the path of progress and cry Halt’ — just like a locomotive, not dangerous at all, but a very useful thing, except to a jackass that will stand on the tracks

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(laughter); that is, locomotives were not built to kill; they were built to move forward, to do some good. (p. 230.) * * *

“The foundation of present day society is the exploitation of one human being by another. We want to strike at that from the foundation, and in removing the private ownership of the things that are necessary to life, we remove the foundation, and once you remove the foundation the entire structure collapses, ought not to be rebuilt. We Socialists are social revolutionists; and for some of the detectives that are here, let me tell you that we are really the most peaceful people in the world, so much so that we are pacifists. * * *

“When I pick up the newspapers, and you pick up the newspapers, and you read of the race riots, you read of the brutality, the bestiality of the great mass of the American people, you will find that we are still such an inferior and beastlike set of creatures that we are far from that fine spirit of idealism which our comrades in Russia are so many thousand years ahead of us. (Applause.) (p. 231.) * * *

“I know some people said yesterday, and I know some of you feel ‘To Hell with the whole matter of voting; to Hell with the whole form of government.’ If the government rests upon thievery and fraud, then you have no government, you might just as well refer to this nation as ‘The United States of Thieves’; but I am not one of those to become pessimistic. We are here tonight celebrating the second anniversary of the Russian Revolution; and, comrades, while the Russians have not the privilege of voting, if it may be called the privi-

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lege in the days of a czar, they had not themselves what you would call a democracy before the czar; yet our comrades in Russia were also treated like dogs, were also shot and hung, and sent to Siberia. Every dirty trick they used against us here was used against them, and only worse, and did they stop? Did it kill their spirit? Did they say, 'Oh, what's the use? Give it up, you cannot accomplish anything. You are up against a mightier power; what is the good?' Our Russian comrades did not say that. They were fighters; and when we are celebrating the second anniversary of the Russian Revolution, we celebrate the second anniversary of the success of fighting men and women, and if we celebrate that in the highest possible form, not only in our idealism, but in our enthusiasm, then we celebrate it also as martyrs, and not as cowards (Applause).

I warn you, comrades, that we are not going to lay down on the job, and I have spoken around the street corners, the night before last, and I have told my constituents the same of such a condition. I have likewise told any person who still remains a Democrat or a Republican — I do not care how honest and clean you may be, you are an accomplice of a crook. You have absolutely no right to speak of democracy (applause). You have absolutely no right to speak of an American Republic; there is no American Republic. It is merely one huge institution based upon fraud—God Almighty — If the men and women cannot cast their ballots, if they cannot get counted their own ideas, what is the sense of this whole thing?

Now, thank goodness, Socialists are not only working along political lines. If we thought for a

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minute it was merely a dream on our part, a great political controversy until we have a majority of men elected, and then, by merely that majority declare the revolution, if any of you smoke that pipe-dream, if that is the quality of opium you are puffing now, give it up. Give it up. Yet I do not want any of you to go to the opposite extreme. The economic movement is also the movement by which Socialists are marching on; but the economic movement also has its shortcomings; and it also meets the Cossacks, and the brutal forces of the capitalist power in every way. But there are other things we want. We are working not merely upon the industrial, upon the political, not merely in the cooperatives, but along the broad lines of education, and I do not know, and you do not know, and there is today nobody in this room that knows how the social revolution will be accomplished in this country. At least, the luck that the Russians have, I doubt whether we will have it for ten million men to walk home, leaving their offices, in the sewers (inaudible) — walk home with guns, that is a picnic, that is easy for any revolution — (inaudible). (Laughter.) But that is a condition that you have not got here.

“Yes, and in celebrating the second anniversary of the Russians, we celebrate their enthusiasm and their spirit, and you cannot celebrate without getting that spirit into you also. * * *

“Others of us have to do that. We capture one section and move on to the next, until we reach more and more, and ultimately realize — do not get behind, do not let the thing of last Tuesday wear on your nerves. It was mean, it was dirty, it was the lowest — and if that is American —

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well, then, we are proud to be called non-Americans (laughter). The dirty, trashy way — if that gang stands for that, refers to Russia as a country of atrocities, then, I tell you, some day the Russians will have to send missionaries to the United States (applause), for the purpose of bringing decency in here.

“ My God, when I looked at some of those dope fiends that sat around some of those boards, I thought to myself — some smile, gentlemen, and newspapers talk about the nationalization of women in Russia. If there was an ounce of truth in your particular damnable lot, you would be the first ones to take a steamer to go to Russia. The language that those men used at the polling place there was absolutely unfit for pigs; and those are the types that we are supposed to believe uphold our American democracy. If there was not a fact that a change was coming, we would say: ‘ To hell with the whole business.’ But we are going to the Assembly, and we will tell it to them. There are five of us. Charlie Solomon is one. There are others and I will go myself into the bargain, and we will tell them something. But we won’t waste as much time in the Assembly, comrades, talking to that bunch that sit there with stolen property sitting in their seats, but we will use our position with the Assembly and reach the Henry Dubs and speak to them, and I can assure you, comrades, we won’t sleep one night when we are in Albany, but every night we will be speaking in Troy, Schenectady and Amsterdam. Everywhere around there, arousing the workers wherever we possibly can.

“ So, let us rejoice tonight. What has happened is not so serious. What has happened is good, inso-

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far as it is but another reason and argument that proves the necessity of not merely a political victory, but a social revolution. (Great applause)."

WALDMAN AND SOLOMON.

On the same 7th day of November, 1919, there was another celebration of the Russian revolution at Brown's Labor Lyceum, Sackett street, Brooklyn (309). The meeting was addressed by James O'Neil, whose speech is given at page 411. O'Neil said in part:

* * * * *

"But, they say, that there have been violences in Russia. Some violence in a revolution! Just imagine! Do they think a revolution is a pink tea party, for men and women to gather around the table and say, 'Now, let us have a revolution. Have a drink with me. Let us have a drink. Let us drink to the success of the revolution' — and then you go out and slap a Bolsheviki on the wrist, and say, 'Please depart; we want a little revolution.' (Laughter.) Is that the way you have a revolution?"

"Every tremendous appeal in the world's history that has brought about new institutions, every great revolution, the French Revolution, the American Revolution, the Russian Revolution — all such revolutions have been accompanied with more or less violence, and it is impossible to dispense with it. * * * (pp. 413-14).

"So that there is not a crime, there is not an atrocity, there is not an injustice that is charged against the ruling party in Russia but can be brought, to a large extent, with equal, with more justice, against many of the politicians and the Administration in the United States to-day.

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“What they hold up to us is an image of their own rotten dirty regime in the United States, and this particular thing, this vile thing that they have made a thing of hatred and disgust throughout the United States, they have labeled it the Bolsheviki. * * * (p. 417).

“We have a big struggle before us. They would like to goad us into some conduct that would enable them to crush us, but we shall not play their game; we shall continue our efforts along peaceful, intelligent, educational lines, knowing that in the last analysis that once we reach the heart, the brain, the conscience of the great master of the American people, come what will, gags, chains, jails, cannot prevent us from transforming the United States into a genuine, thorough-going industrial democracy of Socialism. (Great applause.)

“That may be years, but it may be only a few years. My judgment is that if Europe goes Socialist — and the bankers of the United States who return from Europe are afraid that it is going to go Socialist within the next year — if it does go Socialist, capitalism cannot permanently last in the Western Hemisphere; it has got to go Socialist also.” * * *

Chairman Solomon’s speech, immediately following O’Neil’s speech, said:

“Chairman Solomon.—Comrades, I think so much of that speech, that we are going to ask our good friend who is taking it, the stenographer in the corner, I presume for the police authorities or for the Department of Justice, to please transcribe

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a copy of it for us. We will be happy to pay anything within reason for a transcript of that speech. I think it was a fine speech. I think the Socialist Party will be happy to print it in the form of a pamphlet, so that we may distribute it or sell it as propaganda literature. (Great applause.)

"The pity of it is this: *That when the police officials or the Department of Justice agents read that speech, finding nothing in it that in their judgment is seditious or violative of the law, they will pass it up, unappreciative of the splendid message that it contains.*

"If only we could be assured that the speech would have an enlightening effect upon a narrow-minded lot of blind bats, who will read it, there would be some satisfaction in the whole situation beyond this meeting; but since we know that so far as we are concerned, they will look for a word here and a word there and a phrase here and a phrase there, upon which they may pin an indictment, why there is nothing but despair so far as they are concerned" (p. 420).

Waldman made a speech at the same meeting which is recorded in full at page 310, from which the following extracts are printed: * * *

"In that decree (Moscow) there was a clause which must have been a copy of one of the laws passed in the State of New York a couple of years ago when I was in the Legislature, and this is what it was: They declared an industry in Russia non-essential. You remember the law they passed here, as to certain industries in the State of New York as being non-essential. Do you remember it?"

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They also passed a law there declaring certain industries non-essential. Among those industries was clipping dividends, making profits, getting bank accounts, owning mines, owning banks, owning factories, robbing people, exploiting workers, and all that was declared non-essential in Russia. (Great applause.) And anybody who engaged in those pursuits was going to starve.

“ They said to a man, ‘ You either go to work or starve ’ (p. 315).

“ In America the situation is reversed. The millions and millions who work are starved, and those who do not work, those few live on the luxuries of capital. Which do you prefer? (Cries of ‘ Russia! ’)

“ Here is presented the problem: Shall the majority of people who work starve? Or shall the few who do not work starve if they refuse to work? The answer is very simple, and it is that the new State, the Socialist State, the Socialist conception of justice and right and ethics and morality, is that they who toil and labor and sweat and produce and make and create shall enjoy the product of their own labor. (Great applause.) * * * (p. 316).

“ If you commemorate the birthday of the Russian revolution, if you revere your Russian comrades, if you applaud Lenine and Trotzky (applause), if you believe in the worthiness of their cause, in the accomplishment of their work, then it is your duty to enter the Socialist movement in America, to make it more like Russia is to-day. (Great applause.)

“ We must select between two alternatives: Either Russia lives and conquers the world — not

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Russia conquers the world, but its ideals and philosophy worthy of the Russian government to-day should conquer the world — either that or the ideas or the philosophy of Gary and Wilson and Palmer, Lloyd George and Clemenceau is to conquer the world. Between the two, for my part, and for the part of thousands of Socialists now battling in America to-day, we choose to stand by the ideas and philosophy and program and principles of Lenine and Trotzky as those we approve.” (Great applause.) (Pp. 316-17.)

While only extracts are given from the speeches, they breathe in every word the spirit of treason and revolution with thinly veiled phrases to escape the prosecution of the federal agents. No more subtle inculcations of disloyalty could be conceived than marks the entire speech of O’Neil.

The Rand school is a Socialist school located in the city of New York which was approved by a special resolution of the National Socialist party (pp. 444-445). Claessens is an instructor in the school (p. 445), also Solomon (p. 446). The school circulates Socialist literature including the Lenine letters to the Socialists of America (p. 470) and decrees and constitution of Soviet Russia (p. 467). Tannenbaum, a professor in the school was convicted of the offense of leading raids on churches in New York City in 1914 and imprisoned (p. 530). The Rand school was convicted in the United States court for putting out seditious literature (p. 447).

There can be no escape from the apparent meaning of the speeches of Claessens, Waldman and Solomon.

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AS TO CLAESSENS.

Claessens in his talk with Wasserman said on February 17th, "that the Constitution was a mere scrap of paper, and that the people, when they got control under a Socialist government, would take things by force." (p. 497.) During the month of September or October, 1919, the following conversation took place between Wasserman and Solomon:

"Well, are you a Bolshevik?" He said, "Yes, I have so stated in the Assembly chamber." I said, "Do you believe in all that Bolshevism stands for?" He said, "I certainly do." I said, "Do you believe in the methods adopted by the Bolsheviks in enforcing their rule of government in Russia?" He said, "I do." I said, "Do you believe that those methods are in keeping with democratic ideals and democratic principles?" He said, "I do." I said to him, "Did you state that in the Assembly?" He said, "I did." I said, "If I had been there I would have moved your expulsion immediately." (p. 498.)

AS TO SOLOMON.

Solomon said to Wasserman:

"We are teaching the children history from the Socialist standpoint. He said, 'History as it is taught in the public schools and other instruction given there is all in the capitalist standpoint; we want our children to know it from the Socialist standpoint so that they may be ready for the revolution.' I said to him that my impression was that the result of such teaching on young children was to make criminals of them; * * *

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“Q. Was it in connection with the discussion of the activities of that Labor Lyceum that the subject was brought up? A. No, it grew out of the discussion of revolution. He justified revolution on the ground of the revolution of 1776. He said that was revolution. He said revolution was justified in 1776 and was justified now. I said it was of course quite different at that time. I said the people were fighting at that time against monarchical rule of government, against unjust representation. I said you haven't that in this country. He said he couldn't see it.” (p. 499.)

Samuel McElroy, police inspector of the 11th District of the City of New York, testified on February 3d, that Solomon interfered with his quieting a mob in Brooklyn on August 6, 1919, and in his official report gave the details of such interference as follows:

“During the time that these stones were being thrown and the people struggling and striking Lieutenant Ahlers and myself, I recognized Assemblyman Solomon of this district who forced his way among the people shouting ‘pull the scabs off the cars.’ He then addressed me by saying ‘Why don't you pull the scabs off the cars — why don't you assault them?’ I replied by saying ‘Assemblyman, you are a law-maker and an officer of this State and instead of assisting me to restore order, you are interfering with me and encouraging this disorderly mob in violating the law. I now advise you to go on and mind your own business.’”

This was confirmed by Lieutenant Ahlers. (p. 724.) There was a parade at the same time in which As-

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semblyman Solomon participated, displaying the red flags which were taken away from them by the police officers. (pp. 704-705.)

Ellen B. Chivers, a stenographer 18 years old, testified to hearing Solomon speak on several occasions during the summer of 1917 just across the way from her residence. On one of these occasions she says:

"I remember that in the summer of 1917 about the latter part of April or the first part of May that there was a detachment of soldiers came to Ninth Street and Sixth Avenue for the purpose of calling for volunteers, and they asked Mr. Solomon if they might borrow his platform for that purpose. Mr. Solomon replied: 'Lend you my platform? Can you borrow my platform? Huh, the gutter is good enough for you.'"

"Now, was that all that he said at the time? A. He said, 'If we had our way, there would not be any one who would ask a socialist if they might borrow their platform to call for volunteers,' and he continued to say, 'I would not let you wipe your dirty feet on it.'"

She also testified that on the same occasion a band of music came along on a rapid transit car and stopped about three minutes playing the Star Spangled Banner. This interrupted the speech, and she says:

"Mr. Solomon turned up his coat collar, put down his hat, and pulled it over his eyes, spit on the American flag and sat down." (p. 707.)

Walter R. Hart, a member of the Marine corps, a lawyer in Brooklyn, testifies to hearing Solomon speak in bitter opposition to the war, attributing low motives to those who had commenced it. (813-14).

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Hart heard Solomon again in another street speech in August, 1919. It was in a primary contest where Solomon had an opponent:

“Solomon was addressing the audience and stating it had been brought to his attention that Zucker had charged him with being reactionary and not being true to the revolutionary Socialists, and said also Mr. Zucker had charged him, at a meeting at the corner of Pitkin and Stone avenues, with having supported the government during the war. Solomon said he took occasion to point out that as an infamous falsehood, and pointed out, while people were being sent to jail, for uttering their opinions in connection with the government's attitude in declaring war, and in regard to the war itself, he supported the St. Louis resolution, openly boasted of that fact, and openly announced from the platform his support of it — that St. Louis resolution declaring the unalterable opposition of the Socialist party to the war declared on Germany. He also said he was not a reactionary. He was really and truly a revolutionary Socialist, and that Zucker and the other men, I believe he referred to them as the Left Wingers — believed that the entire world laid right down on Pitkin avenue and in the 23d Assembly District. He said Zucker and the other fellow were laboring under a delusion that the section was strongly Socialist, and the people there were revolutionary. That was the indication of the sentiment of the people throughout the country; and Zucker and those people believed the time of the revolution was ripe, but he did not believe it was, because the people had not reached that point yet, because he was, more than Zucker showed, a revolutionary Socialist.” (816-17)

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And again in another speech in the same campaign:

“At that time Mr. Solomon stated that there had been much talk during the primary contest of revolution, and people had been asking him in the streets, “You do not mean to tell me you people are in favor of revolution?” And he answered frankly, “We are,” and he explained, Revolution does not necessarily mean bloodshed. All you have to do is walk up and take control of the government.” “Suppose somebody opposes you when you do that?” He says, “We expect that. There are the tools of the capitalists and parasites that prey upon the government as it exists today, and people who are fanatic in their belief, and we expect some opposition; but if these people oppose us, their blood will be on their own heads” (817-18).

Hart was a candidate for member of assembly opposing Solomon, and at the close of one of his speeches, Dr. Sadoff, who was with Solomon, arose and said:

“I am going to tell Mr. Hart, whether he likes it or not, that I am a revolutionary socialist, and I am Bolshevik from top to bottom.” Hart then said: “If the socialists were ready to start their revolution, let them go ahead, that I belonged to an association having a million members, the American Legion, and that soon will have four million in its membership, and nothing would please us more than to sit on the seat of a machine gun and give them a reception.” Solomon said: “Mr. Hart doesn’t seem to realize the enormous proportions this revolution is going to take. There will be nothing which will be able to hold the wrath of the working class in check. They will

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be able to sweep aside like chaff in the wind the opposition of four million men" (821).

AS TO WALDMAN

At the time of the second registration, Bunzl who was a draft employee, heard Waldman make a speech in June, 1918, talking about internationalism, capitalist war, etc. (732-3). There was opposition to the registration, and Bunzl asked Waldman "Whether he opposed the draft, or whether he advised anybody to oppose the draft." Waldman answered "That he refused to answer that question because he was afraid of being arrested." Bunzl then asked him whether in case the doctrine of the Socialist party conflicted with the constitution of the United States, he would stick by the Socialist party or stick to the United States, and Waldman said: "I refuse to answer that question because I do not wish to take a chance of being arrested." (733-4.)

Lieut. Ahlers was present at a speech made by Waldman in September or October, 1918, and testifies to what Waldman said (745):

"The statement that Mr. Waldman made was this, a statement in regard to internationalism, that the laboring classes owed no duty to the country in which they were, that the only duty which they owed was the duty which they owed to the class itself; that the laboring class was a citizen of the country that it hangs its hat up in and owes no allegiance to it, and owed allegiance alone to the working classes and that these classes should unite, the working classes of Europe and the working classes of the United States should unite and show their power."

*Guilty of Espionage***VII.**

THE FIVE ASSEMBLYMEN BY THEIR PLEDGES AND SPEECHES HAVE RENDERED THEMSELVES AMENABLE TO THE TERMS OF THE ESPIONAGE ACT, AND SHOULD BE CONVICTED UNDER ITS TERMS.

The federal espionage act of June, 1917, chapter 30, title 1, § 3, established the new offenses of (2) * * * "Causing or attempting to cause insurrection, disloyalty, mutiny or refusal of duty in the military and naval forces; (3) obstructions of enlistments and recruiting."

On May 16, 1918, Congress added nine more offenses as follows: "(4) Assent of doing anything with intent to obstruct the sale of United States bonds, except by way of bona fide and not disloyal device; (5) Uttering, printing, writing or publishing any disloyal, profane, scurrilous or abusive language, or language intended to cause contempt, scorn, contumely or disloyalty as regards the form of government of the United States; (6) the constitution; (7) or the flag; (8) or the uniform of the army or navy; (9) or any language intended to incite resistance to the United States or promote the cause of its enemies; (10) urging any curtailment of production of any things necessary to the prosecution of the war with intent to hinder its prosecution; (11) advocating, teaching, defending or suggesting the doing of any of these acts; a maximum penalty of \$10,000 fine or twenty years' imprisonment or both is imposed"

No other citation or argument is required than the opinion of Judge Garvin in the Syracuse case, printed in full in the record at page 492.

"The Espionage Act, so-called, provides in part that whoever, when the United States is at war,

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shall wilfully utter, print, write or publish any disloyal, profane, scurrilous or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the army or navy of the United States, or any language intended to bring the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag, or the uniform of the army or navy in contempt, contumely or disrepute,"—

There is more of it, but that is the essential part,

“shall be fined or imprisoned. It will be observed that these provisions go much further than the preceding portion of the section which is designed to prevent any act openly directed against the successful conduct of the war by the United States. The provisions here involved are obviously for the purpose of preventing the sort of abuse of the form of government, which, harmless in itself, though usually not the utterance of those who believe in our national institutions, is calculated to inflame and arouse the ignorant and vicious to an actual attempt to bring about open disloyalty. The Constitutional guarantee of free speech is unaffected by the conclusion that the pamphlet or handbill involved, rendered conspicuous by the pictures described (which are entirely unnecessary to announce a mass meeting) must be taken to mean that the form of government of the United States and the Constitution upon which it rests have proved inadequate to secure justice for American

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citizens, who have been not only unjustly convicted (the insinuation is clear that they have been convicted of no offense whatever) but during incarceration have been subjected to most inhuman tortures. Such an allegation, made during a period of war, when loyalty is to a great extent predicated upon belief that the form of government of the United States rests upon liberty and justice, is calculated to bring into disrepute the form of government and its Constitution under which such conditions could exist and likewise its military forces whose members are responsible for the brutalities portrayed in the last described picture. When a mass meeting is assembled as a result of an invitation of this character we may expect that resistance to the United States itself will follow if the meeting is addressed in the manner outlined by the call, and that the demand upon the President to 'Let our people go' will be followed by such action during and after the meeting as indicates a contempt for the Constitution and for the form of government which will not grant the demand so made. That the utterance be an open attack on the form of government or constitution is not necessary. Indeed the care with which the pamphlet seems to have been written suggests the desire to accomplish the result forbidden by the act without incurring the penalty involved in a violation. But even if this was meant as a mere announcement of a public meeting, its form was well calculated to have the effect of arousing the contempt, scorn, contumely and disrepute which Congress sought to prevent, and under the well settled principle that one is presumed to intend the natural consequence of his act, the indictment charges a crime." (pp. 492-94.)

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The Federal Court in the Northern District of New York ruled in the same way in the case of Clinton E. Pierce and others, for circulating the article known as "The Price We Pay," a scurrilous attack upon the government and the prosecution of the war. (794-800.)

The Albany Local of the Socialist Party sent out an appeal for aid to these men after their conviction in taking the case to the Supreme Court, stating "The outcome of this case is of great importance to the Party, as it is the first case to reach the Supreme Court, where the regularity of our party literature is in question * * *. If lost our right to distribute socialist literature will be seriously injured." (806-7.)

VIII.

IT IS THE SUPREME DUTY OF THE ASSEMBLY AND ITS LOYAL MEMBERS WHO HAVE TAKEN AN OATH TO SUPPORT THE CONSTITUTION OF THE STATE OF NEW YORK AND THE CONSTITUTION OF THE UNITED STATES, TO EXERCISE THEIR AMPLE POWER TO EXCLUDE FROM THE LEGISLATIVE BODY OF THE GREATEST STATE IN THE UNION, ENEMIES OF THE STATE AND OF THE UNITED STATES WHO WOULD DESTROY BOTH CONSTITUTIONS AND THE GOVERNMENTS ORGANIZED UNDER THEM. TOLERANCE OF SUCH A PRESENCE WOULD INVOLVE A BREACH OF THEIR OATH AS LOYAL MEN AND ASSEMBLYMEN.

A member of the Committee in his misapprehension of the duty of the Assembly, stated the rule in such a case as follows:

"Disloyalty to the State and Nation or advocacy of force to overthrow the government may or may not be amenable to the criminal law. But whether amenable to the criminal law or not, it is not a disqualification, under the State Consti-

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tution, for membership in the Assembly, for such disloyalty and advocacy of force to overthrow the government. The duty and power to disqualify from elective office rests with the people, and not with the Assembly. If the people, or a part of them, knowingly choose to elect disloyal, unpatriotic, or morally, mentally, or physically unfit representatives, we must receive them and keep them so long as they conduct themselves in the best way they know how.

“If those five Socialist Assemblymen are disloyal, traitors, spies or enemies, the responsibility for their presence here is the people’s not the Assembly’s. The duty and power to disqualify them on those grounds is the people’s and not ours. For the people never delegated such a power to the Assembly” (pp. 148-149).

This misconception has its origin in another misconception, viz., that a member of the Assembly is an officer of his *District*, and not of the State. This fallacy finds no support in the history of representative government, not even in the Soviets. An Assemblyman is a “State officer” as defined by the Constitution and by the Public Officers Law (§ 2). Powers are conferred by the Constitution on the “Assembly” and not on Assemblymen. Such Assemblymen have power or not according as they find a majority or minority of that body in accord with them, and whatever action is taken is taken by the Assembly, and not by an individual Assemblyman.

As Burke said in his address to the electors of Bristol:

“Parliament is not a congress of ambassadors from different and hostile interests; which inter-

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ests each must maintain, as an agent and advocate against other agents and advocates; but Parliament is a *deliberative* assembly of *one* nation, with *one* interest, that of the whole; where, not local purposes, not local prejudices ought to guide, but the general good resulting from the general reason of the whole. You choose a member indeed; but when you have chosen him, he is not a member of Bristol, but he is a member of *Parliament*. If the local constituent should have an interest, or should form an hasty opinion, evidently opposite to the real good of the rest of the community, the member for that place ought to be as far, as any other, from any endeavor to give it effect."

Madison says in the *Federalist* in his paper on "The Local Spirit in Congress" that

"Everyone knows that a great proportion of the errors committed by the state legislatures proceeds from the disposition of the members to sacrifice the comprehensive and permanent interest of the State to the particular and separate views of the counties or districts in which they reside."

If an assemblyman who is in rebellion against the institutions of the country, and plans to overthrow them by force, may hold his seat because he was elected by a disloyal constituency, then it follows that a disloyal governor with like purposes could hold his seat, and not be subject to impeachment; or that the President of the United States whose declared purpose was the overturning of the government of the United States, could hold his office for his elected term. Such a principle has never been recognized in any country at any time, while precedents to the contrary abound in this country.

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Article III, Section 10, of the State Constitution, provides that: "Each House shall be the judge of the elections, returns and qualifications of its own members."

Article V, Section 5, of the United States Constitution provides that "Each House shall be the judge of the elections, returns and qualifications of its own members."

These constitutional provisions are substantially identical and, under the Federal Constitution, the following precedents exist:

CASE OF BRIGHAM H. ROBERTS.

Brigham H. Roberts was a Congressman-elect from the State of Utah, and presented himself to take his seat in the House of Representatives.

It was urged by a member that Roberts was ineligible to a seat because he was a polygamist. A resolution was then passed that he stand aside until a committee passes on his eligibility. The committee reported adversely.

The House of Representatives then adopted a resolution reciting the charges against Roberts who was a Mormon and polygamist, giving among the grounds of his disqualification:

"He is in open war against the laws and institutions of the country whose Congress he seeks to enter. Such an idea is intolerable. It is upon the principle asserted in this ground that all cases of exclusion have been based."

The House passed the following resolution:

"*Resolved*, That under the facts and circumstances of this case, Brigham H. Roberts, repre-

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sentative-elect from the State of Utah, ought not to have or hold a seat in the House of Representatives, and that the seat to which he was elected is hereby declared vacant.”

CASE OF BENJAMIN STARK.

On the 10th of January, 1862, Benjamin Stark, a Senator-elect from Oregon, presented himself to the Senate to take the oath. A motion was made that the oath be not administered on the ground that Stark was disloyal to the Union. This motion prevailed, and Stark on investigation was prevented from taking his seat. The same contention was made in Stark's case as is made in the case of the five assemblymen — that having been chosen by the State to the Senate, he must take his seat, whether loyal or disloyal.

Senator Howe said :

“To admit a claimant charged with disloyalty to a seat in the Senate in the hope of expelling him afterwards, is a voluntary abandonment of the right of self-defense, which belongs to the Senate as much as to any individual.”

Senator Sumner said :

“I desire, Mr. President, to make one single remark. It is said that the proposition now before the Senate is without a precedent. New occasions teach new duties; new precedents are to be made when the occasion requires. Never before in the history of our government has any person appeared to take a seat in this body whose previous conduct and declarations, as presented to the attention of the Senate, gave reasonable ground to distrust his loyalty. That case, sir, is

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without a precedent. It belongs, therefore, to the Senate to make a precedent, in order to deal with an unprecedented case. The Senate is at this moment engaged in considering the loyalty of certain members of this body and it seems to me it would poorly do its duty if it admitted among its members one with regard to whom, as he came forward to take the oath, there was a reasonable suspicion."

Senator Trumbull of Illinois said:

"It is admitted that neither the Senate, Congress nor a State can superadd their qualifications for a Senator to those prescribed by the Constitution, and yet either may prevent a person possessing all those qualifications, and duly elected, from taking his seat in the Senate. * * * That a person known to be disloyal to the government has a constitutional right to be admitted into the body would imply that the Senate had no power to protect itself — a power which, from the nature of things, must be inherent in every legislative body."

CASE OF JESSE D. BRIGHT.

Jesse D. Bright, a Senator-elect, expelled in 1862 from the United States Senate for writing a letter for one Thomas B. Lincoln to Jefferson Davis, although the majority of the Senators agreed that he was not guilty of treason. Senator Sumner, addressing the Senate on the expulsion of Mr. Bright, asserted:

"Under the Constitution, the Senate in a case like the present, is the absolute judge, free to exercise its power according to its own enlightened dis-

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cretion. It may justly declare a Senator unworthy of a seat in this body on evidence defective in form, or on evidence even which does not constitute positive crime. * * * It is obvious that the Senate may act on any evidence which shall be satisfactory to show that one of its members is unworthy of his seat without bringing it to the test of any rules of law. It is true that the good name of the individual is in question; but so also is the good name of the Senate, not forgetting also the welfare of the country; if there are generous presumptions of personal innocence, so also are there irresistible instincts of self-defense which compels us to act vigorously, not only to preserve the good name of the Senate, but also to preserve the country." (See Congressional Globe, Second Session, 37th Congress, pp. 412-414.)

Also Senator Davis in addressing the Senate on the question of Mr. Bright's expulsion states:

"There is no law which defines any particular class of offenses that shall be sufficient to expel a Senator from his seat. The common law does not. There is no statute law that does. There are no rules of evidence establishing technical rules of testimony that are to guide and control and govern this body in getting its lights and reaching its conclusions when a Senator is thus on trial. The general rule and principle of law and of reason and common sense is that whatever disqualifies a member of the Senate from the proper discharge of his duties, whatever it may be, is sufficient and ought to be held sufficient, for his expulsion, and

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whatever evidence satisfies the mind reasonably and according to moral certainty and truth of the existence of that cause is sufficient evidence without resorting to the technical rules of testimony upon which to convict him." (See Story's Commentaries on the Constitution, § 836.)

Further Senator McDougall, addressing the body on the charges against Mr. Bright, asserts:

"It is no question of law. We have not asked whether the Senator from Indiana is guilty or not guilty. We have to judge him in our best judgment, and by that we try him; and we may say yea or nay, as we think, whether he be a true man or not to sit in the federal councils to conduct the affairs of the United States."

In the case of SENATOR C. REED SMOOT, the Senate Committee reporting said:

"Before proceeding to an examination of the protest and answer, and the testimony taken by the committee, it may be well to examine, briefly, the authority of the Senate in the premises and the nature and scope of the investigation.

"The Constitution provides (Art, 1, Sec. 2, para. 1), that each house shall be the judge of the elections, returns and qualifications of its own members. It is now well established by the decisions of the Senate in a number of cases that in order to be a fit representative of a sovereign State of the Union in the Senate of the United States, one must be in all respects obedient to the constitution and laws of the United States and of the State from which he comes, *and must also be de-*

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sirous of the welfare of the country and in hearty accord and sympathy with its government and institutions.

“ If he does not possess these qualifications, if his conduct has been such as to be prejudicial to the welfare of society, of the nation or its government, he is regarded as being unfit to perform the important and confidential duties of a senator, and may be deprived of his seat in the Senate, *although he may have done no act of which a court of justice could take cognizance.*

The only distinction between these cases and that of the five Assemblymen lies in the fact that the five Assemblymen took the oath of office before their right to seats was questioned. But, under the laws of the State of New York, the oath of office may be taken, and was taken by these Assemblymen before the Assembly convened, in the office of the Secretary of State, and the first jurisdiction that the Assembly had over the members was upon their appearance to take their seats; while, in the Houses of Congress, the oath of office is taken by members on the first assembly of the House. The distinction is without a difference.

A case in point arose in the Colony of Virginia as early as 1619:

After all the Burgesses had taken the oath of supremacy, and were admitted into the House, and all set down in their places, a copie of Captain Martins Patent was produced by the Governor out of a Clause whereof it appeared, that when the General Assembly had made some kind of laws requisite for the whole Colony, he and his Burgesses and people might deride the whole company and choose whether they would obey the same or no. It was therefore ordered in Courte,

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that the foresaid two Burgesses should withdraw themselves out of the Assembly till such time as Captain Martin had made his personal appearance before them, At what time if upon their motion he would be content to quit and give over that part of his Patent, and contrary thereunto would submit himself to the general form of government as all others did, that then his Burgesses should be readmitted, *otherwise they were utterly to be excluded, as being spies, rather than loyal Burgesses; because they had offered themselves to be assistant at the making of the Laws, which both themselves, and those whom they represented might choose whether they would obey or not.*

His answer was negative, that he would not infringe any part of his Patent. Whereupon it was resolved by the Assembly, that his Burgesses should have no admittance. (Virginia. Journals of the House of Burgesses, 1619-1659, pp. 5, 8.)

While the State Constitution does not contain the provision of the Federal Constitution that "Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member," the power of the Houses of the Legislature to expel or suspend members is established by the highest authority.

In *People ex rel. McDonald v. Keeler*, 99 N. Y. 463, Judge Rapello says:

"That instrument (the State Constitution) contains no express provision declaring any of the privileges of the members of either house, except that for any speech or debate in either house, the members shall not be questioned in any other place. Even the privilege of exemption from arrest during the sessions, is not declared. No power to

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keep order or to punish members or others for disorderly conduct, or to expel a member, is contained in the State Constitution, as it is in the Constitution of the United States. All these matters are in this State left under the regulations of the statutes, and there is not even express authority to enact such statutes. (1 R. S., chap. 7, title 2.) The necessity of the powers mentioned is apparent, and it is conceded in all the authorities (see Cooley's Const. Lim., 133)."

The statutes of the State have from the time of the first revision recognized the right of the Legislature to expel one of its members, but the causes or reasons for such expulsion have never been defined or restricted, either by the Constitution or by statute; and it is clear that one Legislature could not restrict the power of a succeeding Legislature to exercise the powers for its own protection which are inherent in sovereign parliamentary bodies.

In the original revision (1 R. S., chap. 7, title 2, subd. 12) it was provided that "each house has the power to expel any of its members and to punish its members and officers for disorderly behavior by imprisonment, but no member shall be expelled until a report of a committee appointed to inquire into the facts alleged as grounds of his expulsion shall have been made."

The provision of the present Legislative Law on the subject reads as follows:

"§ 3. 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."

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Any discussion of the right of either House of the Legislature to debar an elected member on account of his moral or immoral character, is beside the mark. These men are denied the right to seats in the Assembly because they seek to destroy the government of the State and nation, and are traitors to both. The inherent power of sovereign legislative or parliamentary bodies to exclude or expel members for cause, is universally recognized.

See Cooley's Const. Lim. old paging 133.

Hiss v. Bartlett, 3 Gray's Reports (Mass.)
468.

French v. Smith, 146 Cal. 604.

Vol. 2, Am. and Eng. Annotated Cases,
p. 756 and note at page 759.

A decent regard for the Assembly as the popular representative house of the State, requires that these five Assemblymen be excluded from their seats. They have taken a false oath to secure seats which they cannot occupy as gentlemen, patriots, loyal citizens or assemblymen. They come under the false pretense of being loyal to their government, when in fact they are really citizens of the Internationale, and desire above all things, the destruction of this government.

CHARLES D. NEWTON,
Attorney-General.

ELON R. BROWN,
JOHN B. STANCHFIELD,
ARTHUR E. SUTHERLAND,
MARTIN CONBOY,
HENRY F. WOLFF,
SAMUEL A. BERGER,
ARCHIBALD E. STEVENSON,
Of Counsel.

STATE OF NEW YORK — ASSEMBLY CHAMBER

In the Matter of the Investigation by the Assembly of the State of New York as to the Qualifications of Louis Waldman, August Claessens, Samuel A. deWitt, Samuel Orr and Charles Solomon to Retain Their Seats in Said Body.

THE CAPITOL,
ALBANY, N. Y., *February 17, 1920.*

Present:

Hon. Louis M. Martin,
Hon. George E. Rowe,
Hon. James M. Lown,
Hon. Edmund B. Jenks,
Hon. Edward A. Everett,
Hon. William A. Pellet,
Hon. Charles M. Harrington,
Hon. Harold E. Blodgett,
Hon. Theodore Stitt,
Hon. Louis A. Cu villier,
Hon. Maurice Bloch,
Hon. William S. Evans,
Hon. Edward J. Wilson.

Appearances:

For the Judiciary Committee:
Charles D. Newton,
John B. Stanchfield,
Arthur E. Sutherland,
Elon R. Brown,
Martin Conboy,
Thomas F. Carmody,
Samuel A. Berger,
Archibald E. Stevenson,
Henry F. Wolff.

For the Socialists:

Morris Hillquit,
Seymour Stedman,
S. John Block,
Gilbert E. Roe,
William Karlin,
Walter Nelles.

LOUIS M. MARTIN, Chairman.

(The Committee met pursuant to adjournment at 10:50 A. M.)

Mr. Conboy.— In connection, Mr. Chairman and gentlemen, with what I am about to offer, I direct attention of the Committee to the language of counsel for the five assemblymen, Mr. Stedman, which will be found at page 103 of the printed record as follows. Mr. Stedman at the time is arguing the sufficiency of these charges. At that place in the record he is reported as saying: “Your last charge I shall refer to, and it is No. 7, it is the only charge which I consider has any merits. You say (and then he quotes), ‘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 the prosecution of the said war, and did thereby stamp the said party and all of its members with an inimical attitude to the best interests of the United States and the State of New York.’”

Then Mr. Stedman goes on: “That is a fairly definite statement of what the framers of this may have considered to be the truth. That is an issue we are quite willing to meet, and I think it will be an issue that they will regret they ever suggested, for we are very certain and positive no proof, no act of the declarations of the party, either in its more prominent councils or its locals, will be found to verify in the slightest degree that statement.” If this party, says Mr. Stedman, “advocated and urged its members to refrain from taking part in the war in any shape or manner and did affirmatively urge them to refuse to engage even in the production of munitions of war and other necessities used in the prosecution of war and did thereby stamp the said

party and all its members, and so forth, if that is proven against the party, and these men are members of it, we will have nothing to say except leave these chambers in humiliation."

Mr. Conboy.— Now, I offer in evidence from the record in the Berger case, at page 103 —

Mr. Stedman.— May I make an inquiry? When do you expect to close your case?

Mr. Conboy.— Very shortly.

Mr. Stedman.— I understood it was closed the other day.

Mr. Conboy.— Yes, sir.

The Chairman.— Now, let us proceed. You know what I said about that.

Mr. Conboy.— The record in the Berger case, Mr. Chairman and gentlemen, is in evidence.

Mr. Stedman.— You mean page 103?

Mr. Conboy.— Page 103 of the printed record. The record in the Berger case has been received in evidence in this case, such parts to be considered by the Committee as are referred to and read during the course of this hearing. Now, I refer to page 526 of that record, which contains a resolution of the National Committee of the Socialist Party at the meeting of May, 1915, on the Lusitania crisis, and from that resolution I read the following on page 527:—

Mr. Stedman.— Mr. Chairman, I am objecting to that as incompetent, for the reason, except in the mind of counsel, I cannot recognize the party as taking an attitude urging the people in this country not to produce war munition two years before we entered the war.

The Chairman.— Well, we will take it. Go ahead.

Mr. Conboy.— I shall not reply to that conversation at this time, Mr. Chairman, but I shall continue with the reading of the record; on page 527 of the Berger record, there is the following:

"We call particularly upon the workers of America to oppose war and all agitation for war by the exercise of all

the power in their command, for it is their class who pays the awful cost of warfare, without receiving any of its rewards. It is the workers who primarily furnish the soldiers on the battle field and give their limbs and lives in the senseless quarrels of their masters.

“ Let us proclaim in tones of unmistakable determination: ‘ Not a worker’s arm shall be lifted for the slaying of a fellow worker of another country, nor turned for the production of man-killing implements or war supplies! Down with war! Forward to international peace and the world-wide solidarity of all workers!’ ”

That was in 1915, just after the sinking of the *Lusitania* in May of 1915. The following year, in 1916, the Socialist Party adopted its Presidential platform.

The Chairman.— I think that is in evidence, isn’t it?

Mr. Conboy.— The Socialist platform of 1916, I do not think has been read into the record.

The Chairman.— All right.

Mr. Conboy.— The Berger record does not indicate the month in which it was adopted, but it is referred to as the Presidential platform of 1916. At the bottom of page 534:

“ The working class must recognize the cry of preparedness against foreign invasion as a mere cloak for the sinister purpose of imperialism abroad and industrial tyranny at home. The class struggle, like capitalism, is international. The proletariat of the world has but one enemy, the capitalist class, whether at home or abroad. We must refuse to put into the hands of this enemy an armed force, even under the guise of a ‘ democratic army,’ as the workers of Australia and Switzerland have done.

“ Therefore, the Socialist Party stands opposed to military preparedness, to any appropriations of men or money for war or militarism, while control of such forces through the political state rests in the hands of the capitalist class. The Socialist Party stands committed to the class war, and urges upon the workers in the mines and forests, on the railways and ships, in factories and fields, the use of their economic and industrial power, by refusing to mine the coal,

to transport soldiers, to furnish food or other supplies for military purposes, and thus keep out of the hands of the ruling class the control of armed forces and economic power, necessary for aggression abroad and industrial despotism at home."

Mr. Conboy.— Then the next year, Mr. Chairman and gentlemen the year 1917 — after the declaration of war, we had the St. Louis platform, adopted in April of 1917.

The Chairman.— That is in the record.

Mr. Conboy.— May I with propriety at this time call the attention of the Committee to certain paragraphs of it?

The Chairman.— Well, it is in the record.

Assemblyman Evans.— We are very familiar with that, I think.

Mr. Conboy.— And also to the provisions of the platform of the party itself, as well as of the War Militarism People which was adopted by the party at the St. Louis Convention, in April of 1917, just after we had entered the war.

Assemblyman Jenks.— Give the page, will you please.

Mr. Conboy.— I shall be glad to.

The Chairman.— Those are in the record.

Mr. Conboy.— The section that I consider to be pertinent in connection with the War Militarism Platform of the Socialist Party, at St. Louis, is at the bottom of page 449 of the printed record. On page 450, after this country was in the war, the Socialist Party adopted this statement: "We, therefore, call upon the workers of all countries to refuse support to governments in their wars;" and on page 454 you will find further, language along the same lines, and likewise on page 455. On page 462, Mr. Jenks, you will see the platform of the party incorporated among its political demands, resistance to compulsory military training and conscription of life and labor, and the repudiation of debts. Those are all in evidence, Mr. Chairman.

Mr. Sutherland.— Mr. Chairman, we desire to read from the New York Call of May 1, 1919.

Mr. Stedman.— I want to say there is an objection to it.

The Chairman.— Overruled. Go ahead.

Mr. Sutherland.— I first read in evidence an article entitled "Facing Prison Term, Coldwell Urges Socialists to Fight on."

The Chairman.— Is that a signed article?

Mr. Sutherland.— Yes, sir.

The Chairman.— Proceed.

Mr. Sutherland.— (Reading):

"The real battle in class war will soon be fought," declares veteran organizer, victim of Espionage Law, which caught no spies.

"On the even of paying the price for loyalty to his convictions, Joseph M. Coldwell, who has served the Socialist Movement in the United States in many capacities during the past two decades, has sent a May Day greeting to his friends in the Socialist Party.

"The May Day hail and farewell of Coldwell is as follows:

"To My Comrades of the Socialist Party:

"On this First of May, 1919, we celebrate the International Labor Day with a meaning and significance we never knew before. To-day we realize that working class solidarity means more than mere platitudes, it means that we must stand shoulder to shoulder, hand in hand, with our fellow-workers of every land. We, here in America," are feeling the iron hand of oppression; we, who boasted of our freedom, now realize how empty that word is under capitalism.

"Our Comrades from across the seas have suffered under tyrannical Czars, Kings and Kaisers just the same as we are suffering under the masters of the bread on this side of the sea. The master class, it matters not under which name they rule, treat the workers the same. To-day while we celebrate OUR International Labor Day in America, our hearts are beating in unison with our Comrades in Europe. We glory in their rebellious spirit, we rejoice in their victories, and we weep with them in their sorrow. WE ARE ONE AT LAST, no longer can we be divided in race or clan, creed or color; we belong to the working class.

“ ‘ We have taken our place with the workers of the world. Have we not given our best beloved on the altars of sacrifice. Every prison holds our Comrades who dared to have the courage of their convictions, Gene Debs, Tom Mooney, Kate Richards O’Hare, Bill Haywood, and thousands of others all over this broad land send their clarion calls, sharp and clear, from prison cells and dungeons grim, NEVER MIND US, GO AND ORGANIZE THOSE OUTSIDE. That is their message to us. That is what the spirit of our martyred Liebknecht and Luxemburg is saying to us to-day.

“ ‘ So let us here in America dedicate our lives, our energies, our souls; aye our very thoughts, to work, and if needs be, die for “ The Day of the People ” when all shall be free and no one shall call another master. When none shall hunger and none shall beg for work, but all shall work for the joy of doing service to his fellowman. Comrades of mine, soldiers in the army of the workers of the world, take your places in the ranks. The class war is on, each political victory is simply a skirmish fight. Each strike is only a test of courage and strength.

“ ‘ The real battle will soon be fought. Our present masters see the signs of the coming struggle in our every actions. “ T’is the final conflict, let each stand in his place, let us sing ‘ The Internationale ’ and as we sing it, let us gather courage and strength and not only free all working class prisoners of war, but free ourselves from industrial serfdom.” Yours for Social Revolution.

“ ‘ JOSEPH M. COLDWELL. ’ ”

Mr. Sutherland.—I read from the same issue a letter by Walter M. Cook, headed, “ Walter M. Cook, State Secretary, Socialist Party of New York.”

“ By WALTER M. COOK,

“ *State Secretary, Socialist Party of New York.*

“ Welcome this May day, the day of promise to the class-conscious workers of the world! We revolutionists again declare ourselves free men and free women — on this May day we rededicate ourselves with all we have and hope for to the task of making our freedom an accomplished fact!

“Hail to you Comrades who have made Russia and Hungary free! Your freedom is our freedom! Hail to you revolutionists now struggling for labor’s supremacy in Germany, Austria, Turkey and elsewhere! Your victory will be our victory! Hail to you Comrades, in Italy, France and England! We impatiently await the time when you, too, will contest the power of your master class to hold you in subjection! We to-day greet the revolutionists of the world! We reiterate our love for Debs, Kate O’Hare, Haywood, Mooney and the other thousands of political and industrial prisoners in America’s jails and renew our pledge of loyalty to the cause of labor’s freedom!

“Arouse yourselves, ye workers! Our day of emancipation draws nigh!

Mr. Stedman.— May I take that a moment?

Mr. Sutherland.— Yes. I will read in evidence, Mr. Chairman, from the New York Call, of Wednesday, November 26, 1919, an article by Alexander Trachtenberg, entitled, “What Call Readers Think.” “The Referenda Before the Party Membership.” It refers to the matters that were referred to the party by—

The Chairman.— The majority and minority report?

Mr. Sutherland.— Yes. It is very illuminating on that subject:

“Editor of the Call: The members of the Socialist Party now have before them two referenda — Referendum E, consisting of the various changes in the party constitution which were decided upon at the Chicago convention and Referendum F, on international Socialist relations.

With regard to the changes in the constitution, I believe that most of these changes will make for a greater efficiency in the administration of our party. I wish to suggest that the proposed new section dealing with membership (Article 2, Section 3 should be defeated, as it is entirely out of accord with Socialist policy. This section provides that every new member should within three months of his admission, wherever possible, make application for citizenship. Membership in the Socialist party should not, in my opinion, be based

upon the desire to become a citizen. There may be large numbers of persons who are sojourning in this country, but who expect to return to the countries of their origin, and while here wish to belong to the Socialist party. They should not be excluded from the possibility of participating in the activities of the Socialist movement, if they are Socialists and wish to do Socialist work.

“The question of international affiliation is at this moment, probably the most important before the Socialist party. The two reports which emanated from the convention, known as the majority and minority reports, will no doubt receive very careful consideration by the members. In the controversy which preceded the Chicago convention, the question of international affiliation was one of the most important before the party membership. In fact this matter is the most important in the life of the entire international Socialist movement.

“A close examination of the two reports reveals that the condition laid down for the International, with which the Socialist party cares to affiliate itself, are the same. Both reports agree that:

“(a) The Second International is dead.

“(b) The Berne International Conference hopelessly failed in its endeavor to reconstitute the International.

“(c) The new International must consist only of those parties:

“1 Which have remained true to the revolutionary International Socialist movement during the war.

“2 Which refused to cooperate with bourgeois parties and are opposed to all forms of coalition.

“In short, both reports agree that the Socialist Party will go only into such an International the component parties of which conduct their struggle on revolutionary class lines. The difference between the two reports is, that while the major report leaves the matter of the reconstruction of the International hang in the air, the minority report has something tangible to offer. It also more specifically outlines the Socialist policy on the question of international affiliation, and gives several reasons for joining the Third (Moscow) International.

“The criticism of the minority report that I heard at the convention since then in talking with comrades is two-fold:

" 1. That the Russian Socialists who sponsored the Third International and will undoubtedly play a leading role in its councils, insist that the competent parties repudiate parliamentary activity.

" This belief is entirely unfounded, as we find that Lenine, in his second letter to European and American workers, says the following:

" 'Socialists who are fighting for the deliverance of the toilers from exploitation must use the bourgeois parliament as a tribunal, as long as our struggle confines itself within the boundaries of the bourgeois social order.

" 'That the Moscow International, with which the minority report, if passed, would affiliate us, is not an International in the real sense, as only a few Russian groups participated in the conference.'

" It is true that the Moscow Conference was not as representative as international Congresses formerly held. This is due to the fact that the various parties which accepted the invitation of the Russian Socialists could not send official delegates to the Conference.

" What is important is the fact that since that conference some of the most important parties have officially affiliated themselves with this International. These parties include the Socialist Party of Italy which has just quadrupled its representation in Parliament; the Socialist parties of Norway, Servia, Greece, Ireland, Roumania and the strong Left sections of the Socialist movements in Bulgaria and Sweden. The British Socialist party of England, and several sections of the Independent Socialists of Germany have voted to join the Moscow International.

" The Swiss Socialist party, at two successive conventions, voted by large majorities to affiliate with the Third International which decision was recently reversed in a referendum by the votes in the French Section of Switzerland, where the movement is more moderate.

" In addition, the Communist parties of Russia, Hungary, Levia, Esthonia, Poland, Finland and Lithuania, as well as Germany and Austria, are members of the new International. The Socialist party of Spain, at the congress which is about to meet, will undoubtedly go with the Third International, while a strong movement to have the Inde-

pendent Labor party of England and the French Socialist party affiliate with the Third International, is evidenced among those organizations.

“The Third International already comprises the greatest portion of the revolutionary Socialist elements in Europe. Any attempt to organize another International would come in conflict with this already created and popularized International among the membership of the various parties.”

“By its past record — the adoption of the Zimmerwald program in 1915, the support of the Kienthal manifesto in 1916, the adoption of the St. Louis resolution in 1917, the general position of the party and the sentiment of the rank and file throughout the last five years — the Socialist party could not do anything else but ally itself with those Socialist groups who have, like itself, remained steadfast to the revolutionary and internationalist spirit of the Socialist movement.

“The various decisions of the Chicago convention, and especially the Manifesto adopted at the convention, proved beyond a doubt the spiritual adherence to our party to the principles enunciated at the Moscow International Conference. Anyone who has read carefully both the Moscow and the Chicago manifestoes, will note the similarity of ideas which underlie both of these documents. It is because of this that many of us who stood by the party during the recent controversy, had the right to brand the assault upon the party by some groups as criminal and as aiming to destroy an organization which remained true to the principles of the revolutionary class struggle.

“The minority report also urges our affiliation with the Third International, because of the moral support it would give to the Russian Comrades who have initiated that International. That they, the Russian Socialists, who have for the past two years stood the brunt of the great struggle for Socialism, earned the right to sponsor the reconstitution of the Socialist of International. Their auspices is a guarantee that the new International will not fail when the test will come.

“The Russian Socialists do not intend to dictate the policies of the new International, and the minority report is perfectly right when it claims that our party, if affiliated with

it, will have an equal right to share in the formulation of the principles and policies upon which it will be based. Our affiliation at this time can only mean a moral affiliation. When the blockade is lifted and free intercourse with Russia is secured, the new International will assemble all its adherent parties and groups, and will then proceed to mould Socialist policies and tactics in the light of the old principles and new facts.

“The Socialist party of America cannot afford to remain amorphous at the present stage of the building of the new International. It has refused to go with those elements who have either betrayed or were unwilling to remain true to their professions. It belongs among those parties which have remained true to International Socialism and who alone have the right to build the edifice of the new International.

“By voting for the minority report the Comrades will give expression to what they have professed and believed in during the past critical years in the life of the International Socialist movement.

ALEXANDER TRACHTENBERG.”

(Above article received in evidence and marked Exhibit No. 109).

Mr. Hillquit.—So as to get the record straight, Judge, it is conceded that this was neither an editorial nor a news item printed by *The Call*, but a contribution of an individual sent in on his own responsibility?

Mr. Sutherland.—The nature of it appears just as it is. We will have the paper marked in evidence, and Mr. Trachtenberg's position in the party is well understood, and it appears in the record.

The Chairman.—It comes under the head of what the *Call* readers think. That means what somebody put in there as their idea.

Mr. Conboy.—I offer in evidence the Socialist-Democratic Herald of July 31, 1909, an article by Victor L. Berger.

Mr. Hillquit.—I must object to this for a variety of reasons.

Mr. Conboy.— That is the “Ballot and Bullets” article referred to by Berger which deals with the manner in which the revolution is to be accomplished. We offer it in evidence as indicating the Socialist opinion upon the manner in which the revolution is to be brought about.

Mr. Hillquit.— The objection to this, Mr. Chairman, is: In the first place, the paper offered in evidence is not the Socialist Party publication, or an organ of the Socialist Party; no attempt of any kind has been made to prove it such. The objection, second, is that the article referred to is not an official expression of the Socialist Party or any subdivision of the Socialist Party, but of one member who is not a party to this proceeding; and the objection, third, is that the article in question was written eleven years ago.

The Chairman.— I will exclude it.

Mr. Conboy.— Now, we offer in evidence from the New York Call of May 21, 1919, “The Socialist Task and Outlook, by Morris Hillquit.”

The Chairman.— What date is that?

Mr. Conboy.— May 21, 1919.

Mr. Hillquit.— That is entirely pertinent, sir.

The Chairman.— I understand Mr. Hillquit does not object?

Mr. Hillquit.— No; I recognize the authority.

The Chairman.— You may proceed.

(The New York Call of May 21, 1919, was received and marked Exhibit 110 in evidence of this date.)

Mr. Conboy (reading):

“THE SOCIALIST TASK AND OUTLOOK.

“By Morris Hillquit.

“It is safe to assert that at no time since the formation of the First International has the Socialist movement of the world been in a state of such physical disunion, moral ferment and intellectual confusion as it is to-day. The world war, so sudden in its effects, had placed the Socialist move-

ment in Europe before a situation, which it had not foreseen as a concrete reality and for which it was entirely unprepared, and it reacted to it in a most unexpected and disheartening manner. Far from proving the formidable bulwark against war which their friends and enemies alike had believed them to be, the powerful cohorts of European Socialism on the whole supported their capitalist governments in the capitalist war, almost as enthusiastically and unreservedly as the most loyal Junker classes, and when with the collapse of the war, the Socialist revolutions broke out in several countries, their forms of struggle were equally startling. The bourgeoisie, against whom the revolutions were directed, made little or no effective resistance, and the fight, repressive and sanguinary at times, was principally among those, who before the war called each other Comrades in the Socialist movement.

“There is something radically wrong in a movement that could mature such sad paradoxes and that wrong must be discovered and eliminated, if the international Socialist movement is to survive as an effective instrument of the working-class revolution. What was wrong with the Second Socialist International, and how are its mistakes to be avoided in the future? This is the main question which agitates and divides the Socialist movement today, and upon the solution of which the future of our movement depends.

“It may be somewhat premature to pass conclusive judgment upon the contending views and methods of contemporary Socialism or to attempt to formulate a complete revision of the Socialist Program. Socialist history is still in the making, and history has recently shown an almost provoking disregard for preconceived theories and rigid formulae. But enough has happened since August 1, 1914, to justify several definite conclusions, both as to the wrongs and remedies of the situation.

“Why did the Second International fail? Some of our neo-revolutionary ideologists conveniently account for it upon the theological theory of lapse from grace. The Socialists of the pre-war period had become too materialistic and ‘constructive,’ they paid too much attention to political office and reforms, they were corrupted by bourgeois parliamentarism — ‘they forgot the teachings of the founders of

scientific Socialism' (how reminiscent of the familiar ecclesiastic complaint — 'they abandoned the faith of their fathers!').

"Marxian Socialists, accustomed to look to material causes for the explanation of political events and manifestations, can hardly accept this explanation, which after all only reiterates and describes, but does not explain, and furnishes no guide for correction. It asks sternly: What were the economic causes which deflected the Socialist movement of Europe from the path of revolutionary proletarian internationalism? And the answer is as startling and paradoxical as the entire recent course of the Socialist movement. It was the economic organization of the European workers, and the pressure of their immediate economic interests (as understood by them) that broke the solidarity of the Socialist International.

"It was not parliamentarism which was primarily responsible for the mischief. Excessive parliamentarism in the Socialist movement of Europe had undoubtedly contributed substantially to the disaster, negatively as well as positively, but on the whole the Socialists in Parliament expressed the sentiments of their constituents pretty faithfully.

"The Social-Democratic Deputies of Italy, Russia, Serbia and Bulgaria knew how to use the Parliaments of their countries as revolutionary tribunals, and so did Liebknecht, Rueble and Ledebour in Germany.

"The Parliaments of Germany and France were the scenes of Socialist betrayal. Its mainsprings lay much deeper.

"The countries in which the Socialist movement failed most lamentably are precisely those in which the movement was most closely linked with organized labor, while the principles of international solidarity were upheld most rigorously in countries in which the economic labor movement was either very weak or quite detached from the Socialist movement. In the United States, where this detachment was more complete than in any other modern country, the American Federation of Labor, under the leadership of Samuel Gompers, outdid all jingoes in the orgy of profiteering," —

Mr. Hillquit.— That should be "patrioteering".

Mr. Block.— I have it here, showing it is different in this pamphlet.

Mr. Conboy.— Do you want it changed from “ profiteering, to “ patrioteering ” ?

Mr. Hillquit.— Yes, sir.

Mr. Conboy.— (continuing reading) —

“ outdid all jingoes in the orgy of patrioteering, while the Socialist Party adopted the St. Louis platform. The bulk of the Social Democracy in Germany was made up of workers organized upon the same structure and looking to the same immediate ends as the American Federation of Labor. The German workers were more progressive than their American brethren. They acted politically within the Social Democratic Party. They had their own representatives in Parliament, and their social-patriotic stand found parliamentary expression, just as the social-patriotic spirit of the ‘ non-political ’ American Federation of Labor vented itself in extra-parliamentary action. What is true of Germany applies also, though perhaps in varying degree, to Austria, Belgium, France and Great Britain. Conversely, in Russia, Italy and Balkan countries, in all of which the element of organized labor was a negligible factor in the Socialist movement, the Socialists have on the whole successfully withstood the wave of nationalistic reaction, and when the first break came, it was Karl Liebknecht, Rosa Luxemburg and Franz Mehring in Germany, Fritz Adlerin in Austria, Lenine and Trotzky in Russia, and Jean Longuet in France, all intellectuals, that led the Socialist revolts in their countries.

“ What, then, is the inference to be drawn from these facts? Shall revolutionary Socialism hereafter disassociate itself from organized labor? By no means. A Socialist movement without the support of the workers is a sort of disembodied spirit; in fact, a spook. Socialism must remain the political and spiritual guide of the working class, but it must reorganize and re-educate the working class.

“ The fundamental weakness of the organized labor movement has been that it was a movement of a class within a class, a movement for the benefit of the better-situated strata of labor — the skilled workers. As such semi-privileged

class, the economic organizations of labor had attained large power in the leading countries of Europe and in the United States before the war. They enjoyed a sort of government recognition, and had accumulated considerable material wealth. They had certain 'vested interests' in the capitalist regimes of their respective countries. In addition to this basic shortening, and largely because of it, the workers were organized along the narrow lines of separate trades and crafts. This form of organization naturally limits the efforts and activities of the workers to the petty struggles and interests of their own special trades. It creates a psychology of craft solidarity rather than class solidarity, and deflects the workers' attention from the ultimate goal to immediate benefits.

"In such conditions the parliamentary activities of labor's political representatives cannot but reflect the narrow economic policies of their constituents. The petty political reform measures of the pre-war Socialists correspond to the craft organization in the economic field, and the striving of the organized workers to preserve their economic position within the industrial system of their country and to protect it against the menace of enemy capitalists is the basis of the war-patriotism of their parliamentary representatives.

"The first task of the post-war Socialist International must, therefore, be to organize and reorganize all grades and strata of labor on broad class lines, not only nationally but internationally. Not as trade unions, nor even as mere industrial unions, but as one working-class union.

"This first lesson to be drawn from the recent experiences and failures of the old International applies, of course, mainly, if not exclusively, to the countries still remaining under capitalist-class control. In the countries that have passed, or are passing to a regime of Communist or Socialist government the problem presents itself in a different and more advanced form. Shall the socialization of industries and national life be attempted by one master stroke, or shall it be carried out gradually and slowly? Shall the working class immediately assume the sole direction of the government as a working-class government, or shall it share governmental power and responsibilities with the capitalist class, at least, 'during the period of transition?'

“ While the question involved is primarily one of power, to be determined in each country according to the conditions existing at the critical moment, there can be no doubt about the stand which the Socialist International must take on it. In all cases in which the proletariat of a country in revolution has assumed the reins of government as a pure working-class government, determined upon the immediate socialization of the country, the true Socialists of all countries will support it. Whether we approve or disapprove of all the methods by which such proletarian government has gained or is exercising its power is beside the question. Each revolution develops its own methods, fashioning them from the elements of the inexorable necessities of the case.

“ The Socialists of the foreign countries are faced by an accomplished fact and by the simple alternative of supporting the revolution or counter-revolution. It is thus quite evident that no Socialist or Socialist party that makes common cause with the ultra-reactionary elements of bourgeois and Czarist Russia in supporting foreign military intervention against the Soviet government, or in any other way actively opposes that government in the face of its life-and-death struggle with international capitalism and imperialism, has a legitimate place in the international Socialist movement. The same may, of course, be said of the Socialist attitude toward Hungary.

“ In countries like Germany, in which the struggle for mastery lies between two divisions of the Socialist movement, one class-conscious and the other opportunist, one radical and the other temporizing, the support of the Socialist International must, for the same reason, go to the former.

“ Such, it seems to me, must be the main outline of the guiding policy of the new International. Upon such or similar general program must the Third International be built. For the Third International of Socialism has not yet been created nor have its foundations been laid, either at Berne or in Moscow.

“ The Berne conference proved hopelessly backward and totally sterile, although some elements in it showed a distinct understanding of the new order of things. The Communist Congress at Moscow made the mistake of attempting

a sort of dictatorship of the Russian proletariat in the Socialist International and was conspicuously inept and unhappy in the choice of certain allies and in the exclusion of others. It has not advanced the process of reorganization of the Socialist movement of the world.

“The task of organizing the Third International is still before us. It must be accomplished on the basis of principles and conduct, not on that of personal likes or dislikes. It is the common task of all international Socialists.

“The attitude of the Socialist part of the United States toward international problems is thus clearly outlined. From the temper of its membership and from the official utterances of its administrative bodies, fragmentary as they necessarily had to be under extraordinary restrictions, there can be no doubt about the party's advanced and militant position. How is that position to be transplanted into a domestic program?

“The platform and the policies of the Socialist party must be revised in keeping, not only with the development of Socialism abroad, but also with regard to the changes wrought by the war in the United States.

“The United States emerges from the war the strongest capitalist country in the world, not only because of the superiority of its material and military resources, but also because the power of capitalism has been less shaken in the United States than in any of the advanced countries of Europe. Our ‘liberal’ administration has turned to the lowest depths of reaction and repression without effective resistance or opposition on the part of any considerable section of the population. The ‘progressive’ elements in politics and social reform have collapsed like a house of cards, and organized labor has so far remained inert and passive. The only voice of protest and the only vision of progress have come from the Socialist party and a negligible group of industrial workers and radical individuals. But the Socialist party is as yet an insignificant factor in the political and social life of America. The importance of American Socialism lies in the future, probably the immediate future. The futility of the war, the failure of ‘peace,’ the governmental persecution and repression, the stupid obscurantism of the press and the terrorism of countless private and public

agencies are bound to cause a reaction of revolt, and a period of unemployment and intensified exploitation will arouse the American workers from the narcotics of their leaders' empty phrases. Then it will be that the workers of America will look for a new light and guidance, and then the Socialists of America will have their hearing and their opportunity. To prepare for that period, and to hasten its coming, is the present task of American Socialism, and that means primarily two things — propaganda and organization. Propaganda in international Socialism in the modern and advanced meaning of the term; propaganda of new class line unionism; systematic propaganda through all methods available, including political campaigns and legislative forums, and organization of all effective organs of such propaganda. At no time was a comprehensive and harmonious plan of action along such lines so urgently imperative for the Socialist movement in America as it is just now.

“All the more unfortunate is it that the energies of the Socialist party should at this time be dissipated in acrimonious and fruitless controversies brought on by the self styled ‘Left Wing’ movement. I am one of the last men in the party to ignore or misunderstand the sound revolutionary impulse which animates the rank and file of this new movement, but the specific form and direction which it has assumed, its program and tactics, spell disaster to our movement. I am opposed to it, not because it is too radical, but because it is essentially reactionary and non-Socialistic; not because it would lead us too far, but because it would lead us nowhere. To prate about the ‘dictatorship of the proletariat’ and of ‘workers’ Soviets’ in the United States at this time is to deflect the Socialist propaganda from its realistic basis, and to advocate ‘the abolition of all Social reform planks’ in the party platform means to abandon the concrete class struggle as it presents itself from day to day.

“The ‘Left Wing’ movement, as I see it, is a purely emotional reflex of the situation in Russia. The cardinal vice of the movement is that it started as a ‘wing,’ i. e., as a schismatic and disintegrating movement. Proceeding on the arbitrary assumption that they were the ‘Left,’ the ingenious leaders of the movement had to discover a ‘Right,’ and since the European classification would not be fully reproduced

without a 'Center,' they also were bound to locate a Center in the Socialist movement of America. What matters it to our imaginative 'Left Wing' leaders that the Socialist Party of America as a whole had stood in the fore front of Socialist radicalism ever since the outbreak of the war, that many of its officers and 'leaders' have exposed their lives and liberties to imminent peril in defense of the principles of international Socialism, they are 'Right Wingers' and 'Centrists' because the exigencies of the 'Left Wing' require it. The 'Left Wing' movement is a sort of burlesque on the Russian revolution. Its leaders do not want to convert their comrades in the party. They must 'capture' and establish a sort of dictatorship of the proletariat (?) within the party. Hence the creation of their dual organization as a kind of 'Soviet,' and their refusal to co-operate with the aforesaid stage 'Centrists' and 'Right Wingers.'

"But the performance is too sad to be amusing. It seems perfectly clear that, so long as this movement persists in the party, the latter's activity will be wholly taken up by mutual quarrels and recriminations. Neither 'Wing' will have any time for the propaganda of Socialism. There is, as far as I can see, but one remedy. It would be futile to preach reconciliation and union where antagonism runs so high. Let the comrades on both sides do the next best thing. Let them separate honestly, freely and without rancor. Let each side organize and work in its own way, and make such contribution to the Socialist movement in America as it can. Better a hundred times to have two numerically small Socialist organizations, each homogeneous and harmonious within itself, than to have one big party torn by dissensions and squabbles, an impotent colossus on feet of clay. The time for action is near. Let us clear the decks."

Mr. Sutherland.—Mr. Chairman we have a strong belief that this picture should go in evidence, this page showing the unity of comrades in the movement of May, 1919.

Mr. Hillquit.—Is it the intention of the prosecution to make this an illustrated record?

Mr. Sutherland.—It is for the purpose of illuminating a few thoughts somewhat hidden, camouflage, that we put this picture in evidence. It shows the unity for the great and absorbing parties of Bill Haywood and all others.

The Chairman.— We will exclude it. Proceed.

Mr. Stedman.— Mr. Chairman, I wish to announce for the record that Mr. Gilbert E. Roe, one of the counsel for the excluded Assemblymen, is absent because of sickness.

Mr. Conboy.— Is he ill, did you say?

Mr. Stedman.— Yes. At the conclusion of the hearing last week counsel announced that they had a brief to file for the guidance of the attorneys representing the Assemblymen and for the Committee. Since that time I have received a copy and run through it. I wish to object to the filing of that so-called brief. I object to it because it is arrogant, presumptuous and to a self-respecting tribunal it is contemptuous. It is arrogant because it was filed before the case is closed and purports to cite excerpts of testimony. It is presumptuous in presuming that this tribunal or the public should come to a conclusion upon evidence offered in behalf of the affirmative side of this case. And the closing portion of that brief in which it characterizes Assemblymen who would vote to reseat these men as disloyal or traitorous is an attempt to prejudge the issues in the case and to threaten the members with at least such censure as may be aroused in the public mind for presuming to hold their minds open until the entire case and the evidence is submitted. The censureship of the Assemblymen in prejudging what they should do is entirely improper, an argument itself no court would listen to and any lawyer who presumed to censure a judge at the conclusion of the plaintiff's case, unless he found as the plaintiff contended, would ordinarily find himself in contempt of court.

The Chairman.— Well, we had the benefit of two very enlightening briefs, one from counsel for the Committee and one from Mr. Justice Hughes, for the Bar Association.

Mr. Stedman.— I have not been favored with the one from Mr. Justice Hughes.

Mr. Wolff.— Do not forget the one from Mr. Roe.

Mr. Block.— Neither Governor Hughes nor Mr. Roe suggested that the Assembly would be disloyal if they failed to unseat these men.

Mr. Brown.— The reflection upon the Committee is withdrawn.

The Chairman.— Well, the Committee is used to reflection, so it won't bother them.

MORRIS HILLQUIT, called as a witness in behalf of the five Assemblymen and sworn, testified as follows:

Direct examination by Mr. Stedman:

Q. What is your name? A. Morris Hillquit.

Q. Where do you live? A. 214 Riverside Drive, New York City.

Q. I believe you are not a native of this country? A. I am not.

Q. How long have you been here? A. 35 years, about.

Q. I believe you are a Socialist, Mr. Hillquit? A. I am.

Q. How long have you been affiliated with the Socialist Party of America? A. Ever since the organization of the Party, in 1900.

Q. Will you state what your activities have been in that party; what official positions you have held; the conferences that you have attended? A. I have attended every national convention of the Socialist Party, with the exception of the recent one held in August, 1919, as a delegate. I have, at various times, been a member of the National Executive Committee of the Socialist Party; in fact, since 1907 practically without interruption. I have also been the Chairman of the National Committee of the Socialist Party.

By Mr. Conboy:

Q. How long, Mr. Hillquit? A. Ever since that office existed. It was created by law. All political parties were required to elect chairman of national committees. That was when I was first elected. I have also been International Secretary of the Socialist Party since 1905 and up to the present day, with the interval of one year.

Q. In the conventions have you served on any committees, if so, what committees usually? A. I have served on committees, as a rule mostly on the Committee on Platform and Resolutions.

Q. Did you serve on that committee in 1917? A. I did.

Q. You were on the Committee which drew what is known as the Proclamation and War Program of the St. Louis Convention? A. I was.

Q. Have you been the author of any works on Socialism? A. Yes.

Q. Name them, please. A. I am the author of "History of Socialism in the United States," which was first published in 1903; "Socialism in Theory and Practice," published in 1910;

“Socialism Summed Up,” published about 1913, I believe; and jointly with Father John A. Ryan, of “Socialism a Promise or Menace?” which is a book in the form of a debate. I have also written a number of smaller pamphlets on various phases of the Socialist movement.

Q. With what languages are you familiar, your reading knowledge and speaking? A. English, French, Italian, Russian, German, some Spanish and some Dutch.

Q. Were you at any time elected as a representative of the Socialist party of the United States to any European bodies? A. I was a delegate representing the Socialist party of the United States at the last three international conferences, those held in Amsterdam in 1904, in Stuttgart in 1907, and Copenhagen in 1910. I also am the American member of the International Socialist Bureau, or at least I was so long as that bureau existed and as such attended, from time to time, meetings of that bureau.

Q. What is the title of that office? A. International Socialist Bureau.

Q. And your title? A. International Secretary of the Socialist Party, or American member of the International Socialist Bureau, which is the same thing.

Q. Will you at this time describe the bureau's work, the character of it? A. The International Socialist Bureau is the executive organ of the International Socialist conferences; or, as it is briefly called, the International, or, in the French version, the Internationale. The International, so-called, or the International Socialist Congress, is a more or less loose body —

Q. May I direct your attention first to the executive committee, how it is formed and its members and so forth, what you term the executive committee? A. I have to start with the congresses because they form the bureau.

By Mr. Hillquit:

A. Now, these Congresses took place periodically. They did take place every three years. Then they became less regular and none has met since 1910. They are composed of delegates from every Socialist party in the world. Each one of the National Socialist parties at the same time elects two representatives to the International Socialist Bureau. These two representatives from each country constitute the International Socialist Bureau which, in turn, elects an Executive Committee of three.

Q. Who was the Secretary during the time, that you remember? A. Camille Haysman.

Q. Of what country? A. Of Belgium.

Q. Will you name some of the members?

Mr. Conboy.— Just a second. Is he the secretary of the Internationalist Bureau?

The Witness.— Yes.

By Mr. Stedman:

Q. Will you name some of the members of the Internationalist Socialist Bureau? A. Belgium, as a rule, was represented, except Haysman, by Emil Vandervele.

Q. Do you know what position he now occupies in Belgium? A. Mr. Vandervele is now a Cabinet Minister in Belgium.

Q. Minister of Justice? A. Minister of Justice at this time. During the war he was Minister of Supplies.

Q. He is the same Vandervele who wrote a recent work on the State? A. The same Vandervele. Then France was represented ordinarily by Jean Jaurus and Jules Guesdes.

Q. Will you tell us something of those two men briefly? A. Jean Jaurus was a member of French Parliament, a former Professor of French History, recognized as the most eloquent speaker and most brilliant writer of France, and one of the most influential men in France. Jean Jaurus was assassinated just before the outbreak of the war, the first of August, 1914. Jules Guesdes was the most prominent representative of Marxian Socialism in France. He likewise was a member of Parliament. At the outbreak of the war he also became a Cabinet Minister in France, a position which he retained, I believe, during the first two years of the war.

Q. Will you state the representatives of other countries, as you may recall them? A. Yes. Germany was usually represented by August Bebel, while he was alive, and Karl Kautsky.

Q. Kautsky is living now? A. Kautsky is living now. Kautsky is the most prominent author on international Socialism. Kautsky is also the man who was intrusted by the revolutionary German government with the task of selecting and publishing material on war guilt, and he is the author of a work of three volumes on that subject, being published now. Austria was represented, as a rule, by Victor Adler. Victor Adler was a member of the Austrian Parliament, and the foremost Austrian

Socialist. He died recently after having been named Minister of Foreign Affairs of Austria, upon the downfall of the Hapsburg dynasty. Russia was represented —

Mr. Conboy.— Did Austria have any other representative?

The Witness.— Yes, I am giving those who usually occupy the position of members of the bureau. The other one, as a rule, was one Permerstof. Russia was represented mostly by either Plekhonoff or Lenine for the Social Democrats; the two representing two different factions being members of the bureau, according to the prevalence of the votes on the one side or the other, and one through Roubanovich, representing the Socialist Revolutionists of Russia. Italy was represented for a long time by Enrico Ferri, a noted criminologist and also the Socialist member of Parliament until several years ago; then mostly by Qurati, who is the present member of the Socialist party of Italy and also a member of the Italian Parliament.

Q. He is also a writer, is he not? A. He is a writer also. England was represented, as a rule, by one representative of the Socialist movement and one representative of the Trade Union movement. The representative of the Socialist movement for a long time was Henry M. Hyndman, one of the oldest English Socialists, and an authority also on economics of Socialism.

Q. He is one who is the authority on India, is he not? A. The same one. Then, it was represented by Kier Hardie, that is the Scotch miner, and one of the first labor members of the English Parliament — the first, I believe, and the founder of the Independent Labor Party. He died during the war. It was also frequently represented by J. Ramsey McDonald, likewise a member of the Independent Labor Party in England. Various other countries were represented.

Q. The Scandinavian countries were represented? A. The Scandinavian countries were all represented. Sweden mostly by Branting.

Q. A publisher of a paper? A. A publisher of a paper, and one of the best known European diplomats in this part of Europe.

Q. How often did you attend meetings of the bureau? A. Whenever I happened to be in Europe in conjunction with International Congresses always, and once or twice between Congresses. The meetings were held ordinarily twice a year.

Q. Were the meetings carried on through correspondence? A. Not meetings, but business was conducted through correspondence occasionally.

Q. Referring now to what you term conventions, or the international, will you state the general method of its organization.

Mr. Conboy.— May I interrupt you for just a moment, Mr. Stedman?

By Mr. Conboy:

Q. These meetings that are held twice a year, that you refer to, are they meetings of the Socialist bureau? A. International Socialist Bureau held in Brussels..

Q. They had headquarters there? A. Yes, sir, in Brussels.

By Mr. Stedman:

Q. Referring now to the International conventions, will you state their composition, the subjects generally which they discuss and which were disposed of. A. The International Socialist conventions principally occupy themselves with a discussion of theoretical problems relating to the Socialist movement, the labor movement or social reform. Then in the number of congresses they have held, discuss various matters of factory legislation, for instance, shortening hours of labor, abolition of child labor, safeguards in the shops, factories and so on. They have also discussed various problems of political reform, such for instance, as the extension of male suffrage which was at no time before the war, complete in Europe; woman suffrage; proportional representation and similar reforms. They also discuss questions of international social import, such, for instance, as immigration, imperialism and colonial policy, war, militarism and international arbitration. Also matters of Socialist policy as, for instance, the attitude of the Socialist movement to the trade union movement, to the cooperative movement, and also questions such as the advisability of collaboration of non-Socialist parties in the government of the various countries where the question had become a practical and an acute one. In all such questions the order of business is prepared in advance, sent to the prospective delegates in advance; commissions are then organized to discuss each and every question separately. Those are sections of the Congresses. Then, after such discussion a report is brought in, it is discussed by the delegates, and then usually a resolution adopted containing either a general

statement of principle, or sometimes recommendations to the affiliated Socialist parties. The International Socialist Congresses or the International has never had or claimed an organic existence superior to that of the bodies affiliated with it. It has never had or claimed the authority to direct the policies of the various affiliated parties, or even to pass judgment upon such policies. It has never, as far as I know, censured, disciplined or expelled any affiliated party for non-observance of the so-called resolutions or rules of the International. We always took the position frankly that the main object of the International was to furnish a sort of International Exchange for Socialist experience, views and theories, similar to the International Congresses, say, of our trade unions, who are organized in exactly the same way into an international secretariat or trade unions or an International organization of cooperative societies, or the International Organization of the movement for the suppression of prison labor, or any number of similar international bodies. Its functions, its powers are principally advisory. Whatever binding power its resolutions or programs have is purely moral. The resolutions of the International are supposed to represent the collective wisdom and experience of the Socialist movement in all countries, hence they have a certain and rather strong moral authority, but they do not undertake to exercise more than such moral authority. For instance, to say of the International directing the policy of national parties of, say, the Socialist party of the United States, or any other party is entirely ridiculous because at no time, could, or did, the International assume to direct policies of any party. It is only the general question or questions applicable to all countries alike. Questions of an International character dealing very largely, and which are very largely theoretical or philosophic in their nature are taken up or discussed at such International Congresses.

By Assemblyman Evans:

Q. Has the International Socialist Congress any constitution and by-laws? A. Why, it has not. It has a very few rules — it has one rule as to the admission of parties. Only such parties are admitted to the International as recognize political action as one of the weapons of the Socialist movement. That was adopted away back in the 90s in order to exclude the Anarchists who had made application for admission. Then there are certain rules with

reference to voting. Each nation has a certain number of votes, according to the importance of the movement, ranging from 1 to 20 — at present, it has been amended to 30 — and there is the constitution of the Bureau and the election of the executive committee. That constitutes all of the rules of the International.

Q. Have you got a copy of the rules and by-laws? A. I don't think there has ever been a compilation of all these rules. They have been adopted from time to time, but never an attempt made to compile a comprehensive constitution or set of rules.

Mr. Sutherland.— May I interpellate the inquiry, whether the discussion and debates and resolutions of these various congresses have been published and are available?

The Witness.— They have been published and are available. They have in each case been published at least in the three principal languages used in the congresses, English, French and German. All the meetings, I may add, of the Congress and of the Bureau are absolutely open to the public, and all the proceedings are usually taken down and reported in the newspapers of the various countries; and a short time after each congress the official proceedings are published in three languages.

By Mr. Brown:

Q. Publication of the International? A. Not always, but you will get them in every public library of any importance.

By Mr. Sutherland:

Q. Under what title? A. I believe if you will look under the general title, "Socialism," or "Socialist Congresses," you will find it.

Q. Pardon the interpellation? A. Oh, certainly, Judge.

By Mr. Stedman:

Q. Are there dues paid to the International? A. No dues; but the expense of the International, of the maintenance of the Bureau, is divided by the different parties represented on the Bureau; and that also is normal and platonic, because if a party does not pay for a number of years — as did happen to the Socialist Party of the United States — it thereby does not forfeit its membership. It is merely a voluntary contribution to the maintenance of the bureau and the other expenses of the congress.

Q. At what time was the last congress called to assemble? A. The last time the congress was called to assemble was on the 14th of August, 1914.

Q. Who were the delegates elected by the Socialist Party of the United States, if you recall? A. Why, I recall some. Algeron Lee was one, Meyer London, your humble servant, and two or three more.

Q. Was that congress held? A. That congress was not held; it was prevented by the outbreak of the war.

Q. Do you know how long the International had been in existence; that is, for what period the congresses that were called? A. Why, the International is a rather vague and loose term. There has been an International Workingmen's Society, organized by, among others, Marx and Engels. That existed from 1863 to 1872. Then the new series of Internationals —

Q. What occurred then? A. At that time the International was practically broken up. As a matter of form, its headquarters were transferred to the United States, upon the assumption that would kill it, and it did it, and that was due to a quarrel between the Social Democratic members of the International and the Anarchists who just came into being at that time under the leadership of Bucharin.

Q. Michael Bucharin?

Mr. Conboy.— Is that referred to as the First International?

The Witness.— That is generally referred to as the First International in the literature.

By Mr. Stedman:

Q. It moved to New York and died? A. It moved to New York and died several years later, in 1876.

Mr. Conboy.— Died in New York?

The Witness.— Died in Philadelphia, where the last convention was held and the funeral rites duly performed.

By Mr. Stedman:

Q. When did the next come into existence and will you state the circumstances? A. The next sign of life of the so-called International was in 1889, when in fact, two Congresses were held in Paris, one called by a group called the Possibilists. That

is a Socialist school. And the other being the Marxian Wing of the Socialist movement in France, both of which, however, subsequently consolidated and held their conference. From 1889 down to 1910 these congresses were held at somewhat irregular periods, and they constitute as a whole what is known as the Second International.

Q. You said this so-called International; what do you mean by so-called International? A. What I mean by it is this, that there really is no justification for this particular term. It does not describe the thing. The International Workingmen's Association, to which I referred, and which is known as the First International, was very often called, for brevity's sake, the International. What has succeeded it was not an organization definite, as compact as the First International at all. The First International was a definite organization. It had its Constitution, it had its declaration of principles of platform; it had a very definite set of rules for the guidance of members. The Second International came into life merely as a conference for exchange of opinions, so much so that up to the present time no political platform has been adopted by this so-called International. It was only in 1900, that is, eleven years after the formation or after the first convention of the new series that the International Bureau was instituted. It never has developed to a definite form of organization as such. The name, International, is applied to these gatherings and to this Bureau rather in a loose and general way.

Assemblyman Evans.—Was there any purpose in the failure to adopt a definite platform and rules?

The Witness.—Only the perhaps tacit recognition that the International, as such, was not there for the purpose of guiding the policies of the affiliated Socialist parties. The first International had been pretty much centralized, and there had been a great reaction against it, and that is why, when it came to the holding of the second series of conferences, these principles of attempting to govern the affiliated parties was reluctant to most such parties and delegates. This must be borne in mind that the First International did not represent a number of powerful, national organizations or movements. It was an attempt to create them from above. The Second International came together as the representative of existing and large powerful socialist movements, and each one was jealous of its own autonomy and faction.

The Chairman.— We will take an adjournment until two o'clock.

(Whereupon, at 12:20 P. M. an adjournment was had until 2 o'clock P. M.)

AFTER RECESS.

(After recess, the Committee met pursuant to adjournment at 2:10 P. M.)

MORRIS HILLQUIT, resumed, testified as follows:

Direct-examination continued by Mr. Stedman:

Q. Will you state what obligation, if any, the affiliation of the American Socialist Party with the International carries with it? We have gone into it some, but is it anything except a moral obligation? A. Nothing except a general moral obligation which every member of every deliberate gathering tacitly assumes, and that is to accept the decisions of the body at least as a moral guide.

Q. Well, are there some fundamental propositions —

Assemblyman Evans.—The witness said something before about a trade union movement and a cooperative labor movement. I would like to have him explain the difference.

Mr. Stedman.— I will let him do that if you will let me finish this.

By Mr. Stedman:

Q. Are there some fundamental propositions which they accept? A. Only requirements as to admission, as I mentioned before; and that is the acceptance of political action as one of the methods of the movement in question.

Q. Well, they have a common purpose — to a common purpose? A. The common purpose is implied. As I stated before, the International — the new International — has at no time adopted a platform or program. It is, of course, assumed that all member organizations of the International are either Socialist party or labor organizations.

Q. Now, differentiate between the trade union movement and the cooperative International. A. The organization of the Socialist International, the labor International and cooperative International is a little overlapping. The Socialist International, to

which we have been referring before, is not, strictly speaking, an International of the Socialist movement only. It is officially styled the Congresses of Socialism and labor, and the labor organizations — I mean the trade unions — take part in its deliberations, as well as the Socialist party; the only exception being the American Federation of Labor, which is not represented on the so-called Socialist International. All countries of Europe have a definite form of cooperation between the Socialist parties and the labor unions; one — the Socialist party — representing the political end of the labor movement and the other, the trade unions, representing the economic end; and both sides, or wings, are equally represented at the International. Outside of this, there is another body known as the International Labor Secretariat, which consists solely of trade union representation, and of which the American Federation of Labor also forms a part. They are organized substantially along the same lines as the Socialist International, having periodical conferences, having an executive body, known as the Secretariat, and having an international secretary for the entire organization. They have the cooperative movement which is very strong in Europe, and represented by 12,000,000 members before the war, not including the Russian Cooperatives, who likewise have first their National organizations, and second, their international conferences, and their international bureau. So that the three Socialists — or their Socialists and Labor — first they have the trade union, then the cooperative, and they are three separate organizations based upon practically the same general lines and form of organization.

Q. In any of these organizations, but with special reference to the political international, are any secret oaths taken or obligations required or any committees operating secretly? A. Absolutely none. All deliberations, all conferences, all meetings of all these bodies, are absolutely and at all times open to the public.

Q. Do they give any secret instructions as operate like an invisible empire, an invisible international? A. No secret instructions at all; and for that matter, no instructions of any kind, secret or open, except as I mentioned before, the general line of moral guidance.

Q. In what cities has it assembled? A. The international Congresses have taken place in Paris, in Zurich, in Brussels, in London, in Amsterdam, in Stuttgart, and in Copenhagen.

Q. In recent years have these Congresses been destroyed or

interfered with by the governments of respective countries where they have been held? A. There never has been an interference by any of the governments within which those Congresses were held prior to the war.

Q. I refer to prior to the war. Did you ever hear of a citizen of the International before Mr. Littleton's discovery? A. I never heard of such a category before this proceeding. There is no such thing, and there can be no such thing as a citizen of the international.

Q. In what sense, if at all, does the International recognize nationality, and from a socialist standpoint, is nationalism and internationalism incompatible? A. They are not at all incompatible. In fact, to the contrary. Internationalism pre-supposes, first, the existence of nationalism. The internationalism of socialism is so-called for the reason, first, that the aims and objects of the Socialist party, or of the socialist movement, are not limited to any nationality. The Socialist movement is worldwide; it exists in every advanced country. Its general program is identical in every such country, that is, in all cases, it is a movement for the collective or national ownership of the industries of the country; and in that sense, its international meaning by it existing in most nations; it is international, also in this sense: that the Socialist ideal is a federation of all nations of the world based upon Socialist principles and cooperating with each other. In other words, the brotherhood of man. In that sense, also, the Socialist movement is international. It is not international in the sense of denying the existence of nations, or denying the right of nations to separate existence. On the contrary, the Socialist movement at all times recognizes the existence of separate nations. It recognizes them even in case where such nations had no official political recognition. For instance, Poland was recognized as a nation in the councils of the International, many, many years before this reconstitution. Ireland is recognized as a nation. So is Egypt. So is India. The Socialist movement the world over, and also in its international congresses, time and time affirmed the right of every nation to political independence, and to self-determination in every respect. It did so before the word was coined in recent peace programs.

Socialism does not see any contradiction between Nationalism or national patriotism, if you want, in the sense of endeavoring to bring about the best possible economic and political conditions in

each country separately, in furthering the welfare and happiness of the people of every country separately, and on the other hand, in the bond of brotherhood between all nations and all peoples of all nations as exemplified by international solidarity of the nations.

Q. Will you state approximately the numerical strength of the bodies affiliated with the International prior to the war? A. Prior to the war the total Socialist vote in the world was figured as about twelve million. That was based on a rather limited suffrage in practically every country of Europe. It also did not include Russia at all. It is safe to assume that at this time there are between thirty and forty millions of Socialist voters in Europe outside of Russia. In Germany where the vote had run up to four and one-quarter million before the war, the last election to the constituent Assembly showed over ten million votes for both majority party and minority party of Socialists. That of course included women who voted for the first time. In Italy the vote was more than double. In France although the number of seats in Parliament was decreased, the popular vote had grown about 50 per cent., and in every other country —

Q. The growth from one million two hundred thousand to almost two million? A. 1,800,000, just about 50 per cent. and the same is true practically of every country in Europe. The political condition with respect to Socialism in Europe today is as follows:

There are four very important countries under Socialist control. By this I do not mean that they have been fully socialized or that they have realized the socialist ideal, but I mean that the political control is in the hands of the Socialist parties. These countries are Russia, Germany, Austria and the new Republic of Czecho-Slovakia. In all these four countries the government, including the heads of the government and the cabinet are made up either entirely or preponderatingly of Socialists. In all other countries of Europe with practically no exception that I know of the Socialist movement has parliamentary representation and has a very active part in the political life of those countries. In England, the Socialist movement is so closely connected with the labor movement that they act as one politically and it is difficult to distinguish the one from the other. But the Labor party in cooperation with the Socialist parties has made very strong gains since the war and as well known, is showing its strength at practically every election. In France, as I mentioned before, the vote has increased

to about 1,800,000, which represents about 25 per cent of the total vote of the country. The parliamentary representation is about 66.

Mr. Conboy.— 66 out of a total of what?

The Witness.— 590, I believe — 590 odd.

In Italy the Socialists have elected about 175 members of parliament. In Finland, they have about 80 out of 200. In Roumania, for the first time in the history of that country, they have elected 14 representatives recently. In Bulgaria they have elected 60 and represent the strongest sole political force in the country. In the Scandinavian countries, each one of them — that is, Denmark, Sweden and Norway — the Socialist parties are very strongly represented in the parliaments, in the municipal administrations, and in the political life of the country generally. The same holds true of Holland and of Belgium particularly. In Belgium the Socialists — known there as the Labor party — have registered a very substantial gain in the recent election.

By Mr. Stedman:

Q. That is true of Spain, is it not? A. That is true of Spain in so far as we speak of increases. In Spain the Socialist movement is rather weak on account of the backward economic conditions; but it has grown since the war.

Q. In various pronouncements of the Socialist party the phrase "International Socialist Revolution" is used. Will you please explain what interpretation the Socialists place on that phrase?

Mr. Sutherland.— May I interpose a suggestion? Should not the witness state his own interpretation of that, or state the interpretation given by some authoritative writer or speaker on that subject? When he says this is the interpretation placed upon it by the Socialists, it is a very broad field to operate in.

Mr. Stedman.— Not quite as broad as Mr. Collins, however.

Mr. Sutherland.— Pardon me. I think it is a subject that the Chairman ought to give us some restrictions upon.

The Chairman.— What is the question?

(Question read by reporter).

The Chairman.— Well, he is a pretty good expert on Socialism. I think that is fair.

Mr. Sutherland.— Very true, but when he says, “What interpretation did the party place upon it?” someone has suggested here 57 varieties. I think that has been used by counsel on the other side.

Mr. Stedman.— Now, that came from Collins.

Mr. Sutherland.— If there is an interpretation by the party, that should be in party platforms, manifestoes or writings by authoritative, recognized leaders of the party.

The Chairman.— Well, he is a recognized leader of the party in this country.

Mr. Sutherland.— I do not question that, Mr. Chairman.

The Chairman.— I think he may answer.

The Witness.— Well, to answer the question we will briefly have to define every part of that phrase. Beginning with the last, “revolution”—by “revolution” the Socialists mean—and in fact, not we Socialists alone, but all the authorities upon the subject—by “revolution” we mean a radical change in the form of government. For instance, we call a palace revolution a change in the government passing from one member of a dynasty to another. We speak of a dynastic revolution when a dynasty is changed. We speak of a political revolution when one government is replaced by another—a monarchy by a republic, for instance. When we speak of “Socialist revolutions,” or “Social revolutions,” which is equivalent, we mean by it a complete change of the economic or social basis of society; for instance, the change from handicraft to machine industry is generally styled “industrial revolution” in the literature on the subject.

By a “Socialist revolution,” we mean a change in the economic or industrial basis of modern society, by which privately owned industries will be replaced by publicly owned and operated industries.

When we speak of “Social revolution” we mean by it this turn, or change of economic development. We mean by it the abolition of private ownership of land, mines, natural wealth, means of communication, means of production, means of distribution, including mills, mines, factories and so on. We mean by it the institution of a regime, or a form of government by which the people collectively will own and operate the basic industries of the country,

the industries upon which the life of the people depend — the processes of producing their food, their clothes, their shelter and so on. This change — this transition — from a system based on private ownership and operation of industries to one of industries socially owned and operated, we call the “Socialist Revolution.”

And I may say in this connection that the word “revolution” does not have for us the romantic significance of barricade fights or any other acts of violence, that it has for most of our newspaper writers and schoolboys. We mean by it the change — the transition. The revolution would be just as thorough, just as complete, as if it took place perfectly peacefully, without shedding a drop of blood, without a scratch, without a fight. It is not the manner of accomplishing the revolution. It is the result that we call the revolution.

Now, when we speak of “International Socialist Revolution” we mean by it the change from the modern so-called capitalist form of producing and distributing wealth to the Socialist form of wealth production and distribution all over the world, because we do expect that eventually the entire world — or at least all advanced countries in the world — will go through that transition just as the entire world has gone through the transition from all slave economy, or feudalism, to the present process of free production or capitalism. Just as that has been international, so we expect the Socialist change to be international. That is to take place eventually throughout the world. That is the meaning of the phrase “International Socialist Revolution.”

Q. Will you state the national and international positions of the Socialist party and parties on the subject of war?

The Chairman.— I didn't get the question.

(The question was read by the reporter.)

Mr. Conboy.— Before you answer that, I think that the position of the Socialist party, both nationally and internationally, on the subject of war, has been made the subject of manifestoes and platforms. So far as the United States is concerned, the position of the Socialist party in America with regard to war, is contained in manifestoes and platforms that are before this Committee. I object to this witness attempting an exegesis of both platforms and manifestoes. I think that the meaning of them is for the Committee to determine, especially as the Committee has been fur-

nished with the platforms and manifestoes, and they are written in language that I think is readily understandable.

Mr. Stedman.—Did you have that in mind when you offered us Mr. Collins?

The Chairman.—Never mind that; overruled. Proceed.

The Witness.—The Socialist movement, ever since its inception, has been definitely opposed to war among nations, but I want to explain that position a little more fully.

The Socialists are not pacifists. Their opposition to war is not based solely or even preponderatingly on humanitarian grounds. Of course, they recognize the humanitarian or ethical element, as well as all civilized sensible beings do, but their opposition to war as Socialists is based principally upon the conception, that with very few exceptions, modern wars have been wars arising from commercial rivalry, and have been wars for acquisition of national territory or national rights. In other words, if a nation were forced to rise in arms against enslavement by a foreign nation, so a condition analogous to the revolutionary war of this country, Socialists would not oppose such a war. They prefer to have a nation attain its independence without war, without bloodshed, but if a war became absolutely necessary for the attainment, say, of such independence, Socialists would not object on conscientious or social grounds. The main basis of Socialist opposition is that with very few exceptions, as I stated before, wars among nations in recent times have sprung from commercial motives; that the result of such wars has been, outside of course, of entailing general suffering upon mankind, to hit particularly hard the working classes of the contending nations who first furnish the armies and who, second, suffer from all the incidental sufferings attendant upon war,—scarcity of food, or even famines, epidemics and all the misery which characterizes the present world after the days of the war. The Socialist party, therefore, opposes modern wars among nations, as anti-social, as capitalistic, and as serving the interests of only a small class of contending capitalists in the different nations.

And that thought has gone through all the words, proclamations, platforms and declarations since the beginning of the International.

I may mention that where a war has a different character, for instance, our Civil War lately, the attitude of the young Socialist

movement at that time was by no means one of indifference or hostility to both sides. On the contrary, the Socialist movement espoused the cause of the Union because it recognized that it was even then indirectly at first a war for emancipation of the classes of men.

When this present war came on the Socialists all over, with very few exceptions, agreed that this war likewise was primarily caused by commercial rivalry among the nations. Regardless of the question as to who contributed most, or which nation contributed most to the outbreak of this particular war, regardless of the question of the personal guilt in this case of the Austrian government for its ultimatum — the German government for the support or instigation of that ultimatum, regardless of the question of immediate causes, the Socialists proceeded upon the assumption that the basic cause of this war was the commercial rivalry of the various leading nations; that this war had been prepared years and years ahead of the assassination of the Austrian archduke; that his assassination was no more than a pretext; that if it had not occurred something else would have occurred, but that the economic conditions principally brought about the fight of the various nations for colony, for territory, for spheres of influence, for markets for the raw material, and so on, was bound to bring about a violent clash, and for this reason the Socialists in this war, prior to its outbreak, when it was threatened; assumed the same position as it did to all other wars, that is, one of negation and opposition.

When the war did break out the Socialists of the different countries varied in their attitude towards the fact. I want to say this, that while the Socialists of some countries supported their government in the war, as, for instance, those of France and Belgium and the majority Socialists of Germany, they did not at any time, even while so supporting their government, change their basic attitude in theory as to the war.

What they said was this: War was brought on by the commercial rivalry of the hostile capitalistic groups of the leading nations of Europe, but it is there, and in our case it has become a war of defense. Oh, we will have our day of reckoning with our ruling classes which have brought the war upon us, but in the meanwhile we can do nothing but support the war.

I am not going into the rights or wrongs of the argument, but I am merely stating the Socialists' position on the subject of the war, and that position has gone through from the beginning of

the International—the First International—down to the last authoritative joint declaration of organized Socialism, which was issued on the 29th day of July, 1904, from the International Socialist Bureau.

Q. Will you state the position of the International now, especially with reference to the two, the one that assembled in Berne and the one in Moscow?

The Chairman.— You mean the one in session now?

Q. Is there any International in session now? A. There is no International in session now. There is no such thing as an International in session, except during the period of congresses, but you might even say that there hardly is a well-defined International in existence now. The situation with reference to the Socialist International to-day is as follows:

The Second International, to which we have referred before, has disintegrated very largely because the elements that constitute it are hopelessly divided over fundamental questions brought to the front, not only by the war, but also by conditions after the war, so that a great many parties have split up from the Second International. That relates to Russia; that relates to Italy; that relates now to a part of Germany—the German minority or Independent Socialists have split up from the Second International; that relates also to Switzerland and to a number of minor countries, so that what remained of the Second International is no more than a fragment which had two meetings in comparatively recent past, one at Geneva, one at Luzerne.

Then an attempt has been made to organize a Third International, so-called; that is, the one known as the Moscow International. That has really not been organized at this time more than in name. The fact of the matter is that at one time, on practically no notice, the Socialists of Russia, the party of Socialists known as the Communists in Russia, together with a few mostly unauthorized representatives from a few neighboring countries, made and proclaimed the organization of the Third International. The Socialist movement throughout the world has had no time or opportunity to even take part in the deliberations.

Q. May I interrupt you at this point and direct your attention to an answer. The International you are now referring to is the one to which the minority report referred which was submitted and adopted by the membership of the Socialist party of America, is it not? A. Precisely.

By Mr. Sutherland:

Q. Which International now do you mean? A. Now, we are talking of the Third or the Moscow International, so-called.

Q. All right. A. Since the holding of what I call the nominal convention several Socialist parties in Europe have declared in favor of joining the Third International, and some of them of creating a new International to take the place of both, so that the entire situation is one of flux. It is in the process of reformation. The chances are that the Second International, as such, will not muster sufficient strength to continue its existence. The chances are that the Third International will modify its form and program substantially in some points, and then may become the International of Socialism.

Mr. Sutherland.—Now, it seems to me that the prophecy of the witness that the Moscow International will change its conditions and its programs should not be received here as evidence. That is purely a prophecy. We have their Manifesto, and we have the reply of the Socialist party of America to it. Now, what the witness prophesies Moscow will do some time in the future is a purely gratuitous contribution and does not throw any light on this present question.

The Witness.—I did not mean to prophesy, Judge. What I meant to say is this: In every International Congress the delegates there present constitute the congress and adopt such platforms or resolutions as to them seem proper. They are not bound by programs or resolutions passed by the preceding congress. The so-called Moscow International has had one so-called Congress which consisted very largely of Russian representatives, and a few, as I said, stray, largely unauthorized representatives of other countries, as a matter of procedure not of prophecy when the next meeting of that Third International is called and various other parties are represented they will then proceed to adopt such platform, or pass such resolutions, or to adopt such rules, as to them will seem proper, unhampered and unbound by previous declarations.

The Chairman.—Well, that would be true of any Congress.

The Witness.—Exactly.

The Chairman.—But until they do that they stand.

The Witness.—No, there is this point. It would be true of any Congress as long as a Congress is for it. My point is that the Moscow International has not been definitely formed as an International.

By Mr. Stedman:

Q. Referring to the document sent by the Socialist Party of America known as the minority report, I wish to direct your attention to that particular with reference to any acceptance, if you have noted it, either of the program and proceedings of that conference in Moscow. That is, is there any statement made by the Socialists endorsing or accepting the proceedings of that conference?

Mr. Conboy.—Well, will not the minority report show whether it does or does not?

By Mr. Stedman:

Q. Is there? A. Well, in the minority report I think, if you will be kind enough to read it you will find specific qualifications.

The Chairman.—It says A, B, and C.

Mr. Block.—Preceding A, B, and C.

The Chairman (reading).—"The Socialist Party of the United States therefore declares itself in favor of the Third Moscow International not so much as it supports the Moscow program, but because, A," etc. That is here for what it is worth. If you want to explain something about it you can.

The Witness.—No, I wouldn't wish my statement to be interpreted as a disavowal of the program of the Moscow International. It is neither a disavowal nor is it an acceptance of it. All we say in deciding to join the Third Moscow International is that the Second International or whatever was left of it has thoroughly disappointed us, that we are ready to join forces with what is called the new or Third International. We do so with the express reservation that we will not accept the dictates of any body of men or any national organization, whether it be the Russian Socialists or any other Socialists, but we reserve to ourselves the right when we get together in the proper time to urge the adoption of such general principles as to us will seem proper.

Mr. Sutherland.—The witness is not quoting from any platform or declaration of the party.

The Chairman.—He is interpreting this minority report which was adopted—

Mr. Sutherland.—Yes.

The Chairman.—According to our proof before us last week or week before last.

By Mr. Stedman:

Q. Mr. Hillquit, I wish to read to you from pages 852 and 853 of the record of this proceeding, and to quote from the testimony of Mr. Collins his answer: "The Socialist party, internationally, and the Socialist parties of the world, nationally, have declared for a universal war, and not only failed to support efforts for peace, but voted for the war budgets to bring about the war?" A. It is about as false and as far the opposite of the true facts as any statement could possibly be. The Socialist movement, so very far from trying to excite wars, or world wars, has made every effort, up to the very last moment of this war, and throughout the war, and in connection with every other war in past years, to prevent such wars. I think the most authoritative statement on that subject is one that emanates from Jean Jaurus, the French Socialist leader—I quote from memory and, of course, not verbally—something to this effect: He said, "We Socialists are unalterably opposed to wars among nations; we are so, even though we know that, as a movement, we would gain by wars among nations. We do not care to gain anything for our movement at the cost of sacrifice, at the cost of the misery which a war would entail upon the entire world. We would rather have the Socialist cooperative commonwealth come more slowly, but come more peacefully, come with less shock to mankind at large, than to have it come more rapidly by means, or through the medium, of war.

The Chairman.—Well, a League of Nations would take care of it?

The Witness.—It would. We will come to that in a moment.

Q. Go ahead—I do not want to interrupt. A. That is all right, Mr. Chairman. I like to be interrupted.

Q. I thought I would help you out. A. Surely,—thank you. This has been the attitude of Socialism towards war. I think

you will find that in all the many manifestoes and proclamations of the International Socialist Movement, that is the sentiment.

Mr. Stedman.— I would like to read one more from this, reading from the same witness, Mr. Collins.

“The Internationale of Socialism, while declaring here and there in its declarations ”—

Mr. Sutherland.— Page?

Mr. Stedman.— 853 — “while declaring here and there in its declarations that it stands against war, declares for a universal war of all the nations to bring about the destruction of the present order; that when the time came that this present or recent conflict had reached its crucial stage, when it could be stopped, the only element that had declared that could stop it”— then there was an interruption; continuing: “But when the crucial time came, when this conflict could have been stopped, according to the academic questions of socialism, internationally and in its national centers — for instance, just as Germany in the German Reichstag, every member of the 110 members of the Socialist party officially went on record with one exception of Carl Liebknecht, and he was expelled from the party for refusing to vote for the war power to bring about the war. Therefore, giving a direct answer to the gentleman’s question, I would say that I am absolutely opposed to Socialism’s proposition for a universal war, because it is worse than any war of nations.”

Q. Do you know of any proposition or theoretical position of the party and of its writers to take advantage of a universal war?

A. I do not.

Mr. Conboy.— It is to create a universal war, rather than to take advantage of one, is it not?

The Witness.— You mean in Mr. Collins’ statement?

Mr. Conboy.— Yes.

The Witness.— Well, I may say positively that the Socialist movement does not desire to create a universal war or any kind of a war, for the purpose of bringing about Socialism.

I have here, Mr. Chairman, a collection of Socialist resolutions on the subject of war, adopted at a number of international Social-

ist conferences. They are consistent all through, beginning with the Congress held at Lausanne, in 1867, and going down to the last expression on the subject by the International, before its collapse on account of the war, July 29, 1914. I shall not read all of them into evidence, because they are largely reiterations; but I have chosen three which will be sufficient for the purpose. One is the very first Socialist expression on the subject, a resolution adopted at the Lausanne International Socialist Congress of 1867.

Then I pass on to the other resolution, adopted first at Brussels in 1868, and likewise at the Paris International Socialist Congress of 1889; and likewise at the Brussels Congress in 1891, at Zurich Congress in 1893, at the London Congress of 1896; and I will ask that the next one—the most important one and most basic one, the one of Stuttgart, held in 1907, be read, which is also very brief; and then in 1912, when it looked as if entire Europe would be involved in a general war, in connection with the Balkan war at a time when the condition was very similar to that of June or July, 1914, the Socialists held a special conference at Basle, Switzerland, and adopted a brief resolution. I shall read that into the record.

The Chairman.— Was it your idea to read them all in?

The Witness.— No, only those four basic ones—the first and then the one in 1897.

The Chairman.— I was going to suggest that you change off and let some one else read them.

The Witness.— Yes, I will ask Mr. Block to read them, because he has a better voice than I have.

Mr. Conboy.— When you are reading, Mr. Block, you might just indicate which ones they are, so we will know what they are.

Mr. Block.— Yes. This is the First International on War and Militarism.

The Chairman.— What is the date?

Mr. Block.— The one at Lausanne Congress, 1867.

(Reading):

“*THE FIRST INTERNATIONAL ON WAR AND
MILITARISM.*”

“The Resolutions of the Labour-International Against
War (1867–1910)

“*Lausanne Congress 1867*”

“The Congress of the International Association of Workers assembled at Lausanne,

“Considering:

“That war principally affects the labour class, in that it not only deprives it of the means of existence, but forces it to shed the blood of the worker;

“That armed neutrality paralyses the productive forces, demands from labour only useless work and intimidates production by placing it under the menace of war;

“That peace, the primary condition of the general well-being, must be consolidated by a new order of things which will no longer recognize two classes in society, the one exploited by the other;

“That the first and principal cause of war is pauperism and lack of economic balance;

“That in order to do away with war, it will not suffice to disband the armies, but also the social organization must be modified, by means of a more equitable division of production;

“Decides,

“To adhere fully and entirely to the Peace Congress which will assemble on September 9, at Geneva, if it accepts the declaration above-stated, to uphold it vigorously and participate in everything it may undertake in order to require the abolition of standing armies and the maintenance of peace with the object of arriving as quickly as possible at the emancipation of the labour class and its enfranchisement from the power and influence of capital as well as of attaining the formation of a confederation of free states in the whole of Europe.

“*Brussels Congress 1868*”

“The Congress, considering that justice should reign in the relations between natural groups, peoples, nations, as well as among citizens; that the primordial cause of war is

lack of economic balance, that war has ever been the reason of the strongest and not the sanction of the right;

“That it is only a means of subordination of nations by the privileged classes or the government representing them;

“That it strengthens despotism, kills liberty (as proved by the last wars of Italy and Germany);

“That spreading mourning and ruin in families, and demoralization wherever the army concentrates, it maintains and also perpetuates ignorance and misery;

“That the gold and the blood of nations have only served to uphold among them the savage instincts of man in a state of nature;

“That in a society founded on labour and production, force can only be put in the service of liberty and justice of every one; that it can only be a guarantee and not an oppression, were it only for one member of the social body;

“That in the present state of Europe, the governments do not represent the legitimate interests of workers;

“That if the permanent and principal cause of war is the lack of economic balance, and can therefore only be removed by social reform, it has none the less an auxiliary arbitrary cause resulting from the centralization of despotism;

“That the people can even now diminish the number of wars, by opposing those who make and declare war;

“That it concerns above all the working classes, who are almost exclusively subject to military service and they also can sanction war;

“That to do this there is a practical and legal means which can be immediately acted upon;

“That as the politic body could not go on for any length of time if production were stopped, it would suffice to the working man to strike in order to render impossible the enterprises of personal and despotic governments;

“The International Association of Workingman’s Congress assembled at Brussels, protests most energetically against war.

“It recommends to all the sections of the Association in their respective countries as well as to all workmen’s societies, and to all labour groups to act with the greatest activity to prevent a war, which today, could only be considered as a civil war, because waged between producers, it would be nothing more than a struggle between brothers and citizens.

“The Congress recommends above all to workers to cease work in case a war be declared in their country.

“The Congress counts upon the spirit of solidarity which animates the working men of all countries and entertains a hope that means would not be wanting in such an emergency to support the people against their government.

“*London Congress* 1888.

“Considering that the great armaments of the governments of Europe are a permanent menace to the world’s peace, and do great harm to the working class, the Congress requests the democracies of the various countries to give instructions to their deputies to substitute the principle of arbitration to war, in order to solve the differences between the governments.

“THE SECOND INTERNATIONAL ON WAR AND MILITARISM.

“*Paris Congress* 1889.

“The International Socialist Labour Congress of Paris.

“Considering:

“That the standing army or the armed force in the service of the ruling or possessing class, is the negation of all democratic or republican regime, the military expression of the monarchic or oligarchic and capitalist regime, an instrument of reactionary coups d’etat and social oppression;

“That, result and cause of the system of aggressive wars, constant danger of international conflicts, the standing army and the offensive policy of which it is the organ, must give place to the defensive and pacific policy of democracy, to the organization of the whole nation drilled and armed, not for pillage and conquest, but to safeguard its independence and its liberty;

“That the standing army, incessant cause of war, is as history proves, incapable of defending a country against the superior forces of a coalition and its defeat leaves the country disarmed, at the mercy of the conquerors, while a nation prepared, organized, armed, would be inaccessible to invasion;

“That a standing army is the disorganization of all civil life, taking from every nation the flower of its youth in

order to shut it up in barracks, demoralize it, at the period of apprenticeship, study, greater activity and action ;

“ That thus work, science and art sterilized, arrested in the flight ; the citizen, the individual, the family are hurt in their very existence, in their development ;

“ That on the other hand, in a really national army, or armed nation, the citizen follows up the development of his aptitudes, his faculties in the national life, he executes his military duties as a necessary attribute of his capacity as a citizen ;

“ Considering that :

“ The standing army, by the charges of the continuously accrued war debt, by the ever increasing imposts and loans that it brings about, is a cause of misery and ruin ;

“ Resolutely repudiates the bellicose proposals entertained by the governments at their evil ends ;

“ Declared that peace as a primary condition is indispensable to all labour emancipation ;

“ And demands, with the abolition of standing armies the general arming of the people on the following lines :

“ The National army or the armed nation formed of all available citizens, organized by district in such a way that each town, each canton has its own battalion composed of citizens who know each other, assembled, armed, equipped and ready to march, if necessary, in twenty-four hours. Each one shall keep his own rifle and equipment, as in Switzerland, for the defense of public liberty and national security.

“ Moreover, the Congress declares that war, fatal outcome of the present economic conditions, will only disappear entirely with the disappearance of the capitalist order, with the emancipation of labour, and the international triumph of Socialism.

“ *Brussels Congress, 1891.*

“ The Congress,

“ Declares that militarism which lies heavy in Europe is the fatal result of the permanent state of open and latent war, imposed on society by the regime of the exploitation of man by man and the class struggle which is the consequence of this ;

“ Declares that all attempts to obtain the abolition of militarism and the establishment of peace among the nations — however generous be their intentions — can only be utopian and powerless if they do not touch the economic sources of the evil ;

“ That only the creation of a Socialist order putting an end to the exploitation of man by man, will put an end to militarism and assure permanent peace ;

“ That consequently, it is duty of all those who wish to finish with war to join the International Socialist Party which is the true and only Party of Peace.

“ Therefore the Congress,

“ In view of the situation in Europe which daily becomes more threatening, and of the chauvinist inciting of the governing classes in the various countries, calls on all workers to protect by means of unceasing agitation against all desires for war and against the alliances which favour such, and to hasten, by the development of the international organization of the proletariat, the triumph of Socialism ;

“ Declares that it is the only means capable of averting a general war, the expenses of which all workers would have to bear ;

“ And in any case, intends, in the presence of history and humanity, to throw all responsibility of whatever happens on to the ruling classes.

“ *Zurich Congress 1893*

“ The position of workingmen in case of war is defined in precise manner by the resolution of the Brussels Congress on Militarism. The International revolutionary, socialist democracy in every country must rise with all its force against the chauvinist appetites of the ruling classes, it must consolidate ever more closely the bands of solidarity between workers in every country ; it must work unceasingly, to conquer capitalism which divides humanity into two great hostile camps and stirs up the people against each other.

“ With the disappearance of the domination of the classes, war will likewise disappear. The fall of capitalism means universal peace.

“ The representatives of the labour party in the deliberating meetings must repulse all military credits, they must

protest unceasingly against standing armies and demand disarmament. The whole of the Socialist party must lend its support to all associations whose object is universal peace.

“ London Congress 1896

“ Under capitalism the chief causes of war are not religious or national differences but economic antagonisms which the exploiting classes of the various countries are driven by the system of production for profit.

“ Just as this system sacrifices unceasingly the life and health of the working class on the battlefield of labour, so it has no scruple in shedding their blood in search of profit by the opening up of new markets.

“ The working class of all countries should rise up against military oppression on the same ground that they revolt against all other forms of exploitation under which they are victimized by the possessing class.

“ To attain this object, they must acquire political power so as to abolish the system of capitalist production and simultaneously refuse, in all countries, to governments which are the instruments of the capitalist class, the means of maintaining the existing order of things.

“ Standing armies, whose maintenance even in times of peace exhausts the nation, and the cost of which is borne by the working class, increase the danger of war between nations, and at the same time favour the brutal oppression of the proletariat of the world. This is why the cry ‘ Lay down your Arms!’ is no more listened to than the other appeals to humanitarian sentiments raised by the capitalist classes.

“ The working class alone have the serious desire, and they alone possess the power, to realize Universal Peace.

“ They demand :

“ 1) The simultaneous abolition of Standing Armies and the Establishment of a National Citizens force;

“ 2) The Establishment of an International Tribunal of Arbitration, whose decision shall be final;

“ 3) The final decision on the question of War or Peace to be vested directly in the People in cases where the governments refuse to accept the decision of the tribunal of arbitration;

“ And they protest against the system of Secret Treaties.

“ The working class will only attain these objects by

securing the control of legislation and by entering into an alliance with the International Socialist Movement, whereby Peace may be finally assured, and the real Fraternity of Peoples permanently established.

“ Paris Congress, 1900

“ The Congress declares that it is necessary in every country to engage with renewed zeal, energy and vigour in the DAILY STRUGGLE against militarism, and especially to oppose to the alliances of the bourgeoisie and the imperial governments, the alliance of the proletariat of every country.

“ The congress points out as mode of procedure:

“ 1) Various socialist parties are engaged in carefully propagating the education and the organization of the young with a view to opposing militarism.

“ 2) Socialist deputies in every country undertake to vote against all military expenses and all expenses for the fleet and for colonial military expeditions.

“ 3) The permanent international socialist commission will start and organize in all cases of international importance a movement of protest and of anti-militarist agitation, which shall be uniform and simultaneous in every country.

“ The Congress protests against the so-called peace conference like that of the Hague, which, in the present state of society, can only end in annoying disappointments, as had been shown lately by the war in the Transvaal.

“ Stuttgart Congress, 1907

“ The Congress confirms the resolutions passed by the former International Congresses against militarism and imperialism, and it again declares that the fight against militarism cannot be separated from the socialist struggles of classes as a whole.

“ War between capitalistic states are as a rule the consequences of their competition in the world’s market, for every state is eager not only to preserve its markets, but also to conquer new ones, principally by the subjugation of foreign nations and the confiscation of their lands. These wars are further engendered by the unceasing and ever increasing armaments of militarism, which is one of the principal instruments for maintaining the predominance of the bourgeois

classes and for subjugating the working classes politically as well as economically.

“The breaking out of wars is further favored by the national prejudices systematically cultivated in the interest of the reigning classes, in order to turn off the masses of the proletariat from the duties of their class and of international solidarity.

“Wars are therefore essential to capitalism; they will not cease until the capitalistic system has been done away with, or until the sacrifices in men and money required by the technical development of the military system and the revolt against the armaments have become so great as to compel the nations to give up this system.

“Especially the working classes from which the soldiers are chiefly recruited, and which have to bear the greater part of the financial burdens, are by nature opposed to war, because it is irreconcilable with their aim; the creation of a new economic system founded on a socialistic basis and realizing the solidarity of the nations.

“The Congress therefore considers it to be the duty of the working classes and especially of their parliamentary representatives, to fight with all their might against the military and naval armaments, not to grant any money for such purposes, pointing out at the same time the class character of bourgeois society and the real motives for keeping up the antagonisms between nations, and further to imbue the young people of the working classes with the socialist spirit of universal brotherhood and with class consciousness.

“The Congress considers that the democratic organization of national defence, by replacing the standing army by the armed people, will prove an effective means for making aggressive wars impossible, and for overcoming national antagonisms.

“The International cannot lay down rigid formulas for the action of the working classes against militarism, as this action must of necessity differ according to the time and the conditions of the various national parties. But it is its duty to intensify and to coordinate as much as possible the effort of the working classes against militarism and against war.

“In fact, since the Brussels Congress, the proletariat in its untiring fight against militarism, by refusing to grant the

expenses for military and naval armaments, by democratizing the army, has had recourse with increasing vigour and success to the most varied methods of actions in order to prevent the breaking out of wars, or to end them, or to make use of the agitation of the social body caused by a war for the emancipation of the working classes; as for instance the understanding arrived at between the English and the French trade unions after the Fachoda crisis, which served to assure peace and to re-establish friendly relations between England and France; the action of the socialist parties in the German and French parliaments during the Morocco crisis; the public demonstrations organized for the same purpose by the French and German socialists; the common action of the Austrian and Italian socialists who met at Trieste in order to ward off a conflict between the two states; further the vigorous convention of the socialist workers of Sweden in order to prevent an attack against Norway; and lastly, the heroic sacrifices and fights of the masses of socialist workers and peasants of Russia and Poland rising against the war provoked by the government of the Czar, in order to put an end to it and to make use of the crisis for the emancipation of their country and of the working classes. All these efforts show the growing power of the proletariat and its increasing desire to maintain peace by its energetic intervention.

“The action of the working classes will be the more successful the more the mind of the people has been prepared by an unceasing propaganda, and the more the Labour parties of the different countries have been stimulated and drawn together by the International.

“The Congress further expresses its conviction that under the pressure exerted by the proletariat the practice of honest arbitration in all disputes will take the place of the futile attempts of the bourgeois governments, and that in this way the people will be assured the benefit of universal disarmaments which will allow the enormous resources of energy and money wasted by armaments and by arms to be applied to the progress of civilization.

“In case of war being imminent, the working classes and their parliamentary representatives in the countries concerned shall be bound with the assistance of the International Socialist Bureau, to do all they can to prevent the breaking out of the war, using for this purpose the means which appear to

them the most efficacious, and which must naturally vary according to the acuteness of the struggle of classes and to the general political conditions.

“In case war should break out notwithstanding, they shall be bound to intervene for its being brought to a speedy end, and to employ all their forces for utilizing the economical and political crisis created by the war, in order to rouse the masses of the people and to hasten the duntread of the predominance of the capitalistic class.

“*Copenhagen Congress* 1910.

“The congress declares that the armaments of the nations have alarmingly increased during recent years in spite of the peace congresses and the protestations of peaceful intention on the part of the governments. Particularly does this apply to the general movement of the governments to increase the naval armaments whose latest phase is the construction of a ‘dreadnought’. This policy leads not only to an insane waste of national resources for unproductive purposes and therefore to the curtailment of means for the realization of necessary social reforms in the interest of the working class, but it also threatens all nations with financial ruin and exhaustion through the insupportable burdens of indirect taxation.

“These armaments have but recently endangered the peace of the world as they always will. In view of this development which threatens all achievements of civilization, the well-being of nations and the very life of the masses, this congress reaffirms the resolutions of the former international congresses and particularly that of the Stuttgart congress.

“The workers of all countries have no quarrels or difference which could lead to war. Modern wars are the result of capitalism, and particularly of rivalries of the capitalist classes of the different countries for the world market, and of the spirit of militarism, which is one of the main instruments of capitalist class rule and of the economic and political subjugation of the working class. Wars will cease completely only with the disappearance of the capitalistic mode of production. The working class which bears the main burdens of war and suffers most from its effects, has the

greatest interest in the prevention of wars. The organized socialist workers of all countries are therefore the only reliable guaranty of universal peace. The congress, therefore, again calls upon the labor organizations of all countries to continue a vigorous propaganda of enlightenment as to the causes of war among all workers, and particularly among the young people in order to educate them in the spirit of international brotherhood.

"The congress reiterating the oft-repeated duty of socialist representatives in the parliaments to combat militarism with all means at their command and to refuse the means for armaments, requires from its representatives:

"a) The constant reiteration of the demand that international arbitration be made compulsory in all international disputes.

"b) Persistent and repeated proposals in the direction of ultimate complete disarmament; and above all, as a first step the conclusion of a general treaty limiting naval armaments and abrogating the right of privateering.

"c) The demand for the abolition of secret diplomacy and the publication of all existing and future agreements between the governments.

"d) The guarantee of the independence of all nations and their protection from military attacks and violent suppression."

Taken from the Bulletin Periodique of the International Socialist Bureau, No. 9, 3rd year.

CAMILLE HUYEMANS,

Secretary.

MANIFESTO OF THE INTERNATIONAL SOCIALIST BUREAU AGAINST THE WAR

October 29, 1912.

The International Socialist Bureau expresses its profound horror of the terrible massacres which are being perpetrated at the present time in the Balkan region and sends most cordial greeting to the socialists of the Balkans who, with heroic courage have remained faithful to the principles of the party in most difficult circumstances.

"It recognizes the force of the reasons animating the Balkan people in claiming their independence and the guarantees necessary to all elements of the peninsula, but it is convinced that this grand object would have been attained without war, without bloodshed, and without economic ruin, if the problem had not been forced by the dynastic ambitions of the heads of the Balkan States who have perfidiously paralyzed Turkey's efforts at regeneration and whose sole object is to bring the Balkan people under their dominion.

"It is, therefore, in progressive democratization and in close union of all the Balkan states, including Turkey, it is in the struggle against agrarian oligarchy that the labor classes of the peninsula have seen the solution of the problem.

"But by the development of the greed and the brutality of Europe, by the acts of force and treachery in Morocco, Bosnia-Herzegowina, Tripoli, Persia, by the alternative or combined game of the intrigues of Russian czarism and the ambitions of the Austrian monarchy, war has been declared in the Balkans. Out of this war, at any moment, a general conflict may spring. The duty of all proletarians, of all parties of the International is greater and more urgent than ever. In the ominous light of events, they must make the most refractory understand the profound causes of the regime of insecurity, brutality, and rapine that obtains in the world.

"They must use every effort to hasten the success of Socialism, which alone can establish lasting order in international relations, delivered over to capitalist anarchy, to the covetousness of financiers, to chauvinist fury, to diplomatic double dealing. But also they must from now on, with all their strength, oppose any extension of the war, any interested and selfish intervention which might increase it. Let the proletariat rise against the policy of war with all the force of its organization, with the action of the masses, let every voice cry out loud, let them signify by all their acts that they will not allow themselves to be drawn into stupid and bloody conflicts. It is in order to give to our protest and to our action against war as much unity as possible, that the International Socialist Bureau has decided on the convocation, as soon as possible, of an extraordinary international congress. The best preparation for this congress will be the methodical and intense agitation of all the Socialist and labor group against those who have brought about the conflict. The

next hours will no doubt be full of trials and responsibility for the Socialist party and for the proletariat. They will be able to surmount them with the same courage of which our comrades engaged in the conflict have given proof. But let the governments know that there will without doubt also be danger for them if they play with fire. It is not with impunity that they will light this terrible fire in the whole of Europe.

“Down with war!

“Long live the International!”

Mr. Block.— Any others?

The Witness.— Just the last one adopted by the International Socialist Bureau before the outbreak of this war, July 29th, 1914.

Mr. Conboy.— Where was that held?

The Witness.— Brussels.

Mr. Stedman.— Mr. Chairman, we have only read a portion of this, but if there is no objection I will ask that they all be put in the record.

The Chairman.— Put them in.

Mr. Block.— This is a resolution adopted by the International Socialist Bureau July 29th, 1914.

Mr. Conboy.— Will you tell me what you are reading from, Mr. Block?

Mr. Block.— “The Socialists and the War”, by William English Walling. It is a compilation edited by William English Walling, published by Henry Holt & Company, 1915. This is the resolution of the International Socialist Bureau, July 29, 1914, unanimously passed.

“In Assembly of July 29 the International Socialist Bureau has heard declarations from representatives of all nations threatened by the world war, describing the political situation of their respective countries. By a unanimous vote the Bureau considers it an obligation for the workers of all nations concerned not only to continue but even to strengthen their demonstrations against war in favor of peace and of a settlement of the Austro-Serbian conflict by arbitration. The German and French workers will bring to bear on their

governments the most vigorous pressure in order that Germany may secure in Austria a moderating action and in order that France may obtain from Russia an undertaking that she will not engage in the conflict. On their side the workers of Great Britain and Italy shall sustain these efforts with all the power at their command. It was further resolved that the International Socialist Bureau congratulates the Russian workers on their revolutionary attitude and invites them to continue their heroic efforts against Czardom as being one of the most effective guarantees against the threatened world war."

By Mr. Stedman:

Q. Mr. Hillquit, the Socialists of Russia opposed the war, did they not? A. They did; that is, as many of them as were members of the Duma opposed the war, made such statement in the Duma, and left the Duma as a sign of protest.

Q. That was true also of the Socialists in Serbia? A. It was.

Q. The Socialists in the Scandinavian countries opposed it? A. Of course, they were not directly involved, but they were opposed to the war.

Q. Then the attitude of the Socialist Party of the United States in disapproving the war and in opposition to it—

Assemblyman Cuvillier.— One moment. How about Germany?

The Witness.— In Germany up to the last day before the war they were strenuously opposed to it.

Assemblyman Cuvillier.— But finally they succumbed?

The Witness.— When the war broke out a part of them did succumb.

Q. Repeating my question — the attitude of the United States Socialist Party was not alone then —

Mr. Conboy.— Not alone what?

Q. (Continuing)— in its attitude toward war?

Mr. Conboy.— If that is an inquiry at all it is for the Committee to determine upon the record. We have those that have opposed the war and we have those who were in favor of the war, and we have the attitude of the party in the United States, and it is for us to draw our own conclusions, isn't it?

The Chairman.— Let him answer.

A. I should say the attitude of the Socialists in the United States was exactly the same as that of the attitude of the Socialist party of Italy, of the minority Socialists in Germany, as the Socialist party — the Parliamentary party at least — of Russia, and of Serbia; as that of the Socialist parties of all neutral countries and as that of the Universal International Socialist attitude before the war.

By Mr. Stedman:

Q. May I direct your attention to Great Britain? A. As far as Great Britain is concerned, the attitude of the Socialist Party coincides with that of the Independent Labor Party, with that of the British Socialist Party, and very largely with the Labor Party or Trade Union Congress of Great Britain.

Q. I call your attention now to the statement by Expert Collins, page 775 (reading):

“The Socialist Party opposes the League of Nations, properly and rightfully constituted, because a League of Nations so constituted, on the foundation that I have elaborated in my answer to your prior question, would naturally create harmony and the feelings inherent in the spirit of the brotherhood of man, founded upon the fatherhood of God; the denial of the doctrine of class antagonisms, and class hatred, also, and would bring all men together on the basis of the common weal of humanity for the settling of their differences by peace and harmony and by agreement. Consequently, such a League of Nations, so constituted, would help to eliminate much of the real abuses that Socialism, while pointing out as an opportunity to make followers, and while these abuses stand, they are festering sores on the face of the body politic, although not inherent in it for its destruction; and consequently, as long as Socialism can point to evils, and sores that can be eliminated by the processes that I have mentioned,”— and so forth.

Q. What is the attitude of the Socialist Party —

The Chairman.— Toward what?

Mr. Stedman.— Toward the League of Nations?

The Chairman.— I asked you that.

The Witness.— You asked me that, Mr. Chairman, and it gives me exceptional pleasure to answer that. I would say, in the first place,—

Mr. Conboy.— Not as great pleasure as to hear you.

The Witness.— Mr. Collins' statement that the Socialists are opposed to the institution of the League of Nations is absolutely false, because if anything, the Socialists pride themselves upon being the first ones to formulate and to demand the institution of a pure League of Nations, Socialists today are enthusiastic adherents to the League of Nations idea and philosophy. They are utterly opposed to the concrete program of the so-called League of Nations adopted at Paris. They are opposed to that so-called League of Nations because they are in favor of a true League of Nations. The Socialists' idea of a League of Nations which, until, oh, comparatively speaking, a short time has been the general prevalent notion of a League of Nations, I mean prevalent at least in circles of liberal thinkers, is, briefly speaking, this: The office of the League of Nations, if it is to be a real League of Nations, is to do away with wars among nations and consequently its composition, its machinery, the entire make-up of the League, must be directed toward that end, that is, the abolition of wars. That means, in the first place, that such a League of Nations, by its constitution, should proceed to abolish the principal causes of wars among nations. That we all agreed upon until this Paris Treaty was drawn. By that we mean the causes of war among the different nations have undoubtedly been very largely, commercial. That is not said by way of reproach, but by way of statement of indisputable fact. I may mention, by the way, that in his very last pronouncement upon the subject, President Wilson has taken the same stand with reference to the last war. Now, these causes are the following. In every advanced nation the dominating or capitalist class reaches a point where the resources and facilities of their own country are insufficient for their economic or commercial development.

Countries with very few exceptions need raw material which they cannot all get in their native soil. They, therefore, must have access to raw materials in foreign countries, usually less developed countries. In order to do that they embark upon a colonial policy, that is, try to conquer and hold colonies and monopolize the products of such colonies for themselves.

They also each strive to secure certain special spheres of influence. For instance, China is all partitioned,— a certain part is for the English sphere of influence, a certain part is for the French sphere of influence, a certain part for the Japanese sphere of influence, and so on. Then, also, they must, of necessity, have facilities to make their investments abroad after they have exploited the best facilities at home. That is why we have the concession in foreign parts for railroads and other public works, and so on. Then again, as our present industrial system develops and grows, imports and exports, foreign trade and foreign market, they are an ever increasing important part. That means that nations must have outlets to the sea. They must have a sufficient number of ports. If they do not they are hampered and they strive to acquire such ports. In the transportation of commodities and merchandise, the control of the sea, or the freedom from control is highly important. The great waterways of the world, such as the Kiel Canal, the Straits of Gibraltar, the Suez Canal, the Panama Canal, the Bosphorus, and so on, are of tremendous importance, so that a League of Nations, in the first place if it is to establish a condition of affairs which will do away with the necessity of wars must do away with this incentive to rivalry among nations, nor is that all in this competition among various advanced nations, and capitalist classes in the various advanced nations. There is constant intrigue, so-called diplomacy, secret diplomacy, each nation trying to get advantage over the other nation by secret treaties, by preferential terms of all kinds. All this should be abolished in order to have a true league of nations.

Then again, the fact that there have been in Europe and outside of Europe, a number of oppressed nationalists, nationalities striving to regain their independence, has been a fruitful source of wars in the past — at any rate, a great contributing force. That, of course, would have to be eliminated in a proper League of Nations.

Mr. Conboy.— What is that last cause?

The Witness.— Oppressed nationalities and the struggle for independence.

Then, likewise, the oppressive competitive armaments — I mean both land and sea — that, of course, is another source of wars among nations; and finally, the absence of any organization to dispose of quarrels among nations peacefully. So that a League

of Nations, to be properly constituted and to actually have the power to do away with wars, would have to be based upon a program which was pretty aptly — though not completely — enumerated and formulated by President Wilson in his late lamented fourteen points. Or, as it was more specifically and more circumstantially mentioned in the program of the British Labor Party. In other words, it would have to be an association of nations, a League of Nations — of nations peopleing the world, without exception — it would have to be a federation, or league, of every nation, large or small, in Europe, Asia, Africa, Australia, or anywhere in the world, in the first place.

That league would have to be based upon a certain definite constitution, an international constitution, if you want, which would first, say, internationalize the great waterways of the world — neutralize them — make them accessible to all. There is no reason in the world why any nation should appropriate any part of the ocean for itself. It would have to be followed by the internationalization, if you want, or at least permission to use, the important ports of the world; so that, for instance, a large country like Russia does not find itself bottled up and shut off from commerce or intercourse with the rest of the world. It would have to do away with the ownership of one country by another, the abominable system of colonies. It would have to do away with the system by which a strong country can go into Africa or Asia and take hold, by force of arms, of a defenseless, large and undeveloped nation, or people, and say, "You are my subjects. You are my colonies. We will take your wealth, your natural wealth. You will take our products, and you will not trade with anybody else."

Colonies would have to be internationalized, or at any rate, the open-door policy declared for all.

As far as duties are concerned, discriminating duties, discriminatory in favor of one nation as against another; they certainly would have to be abolished as a very fruitful source of war.

Then, aside from that, the principle of self-determination, of which so much has been said and about which so little has been done, would have to be incorporated in the League of Nations. Every nation, or every nationality, should be given the right to determine for itself what form or organization — what political form of organization — and what political affiliation it will adopt, or whether it will adopt none and develop its own independence.

Secret diplomacy would have to be absolutely abolished as being probably the worst sore in international relations.

Armaments would have to go, for as long as there will be millions upon millions of professional soldiers and the standing armies will drain all the resources of the country, and each one will have an eye to its neighbor to see whether it is increasing its armament, and then follow suit, so long will there, of course, be an incentive toward, and finally wars. And finally, also, so long as a better and more civilized method of settling disputes among nations has not been devised, so long will wars continue.

Now then, the present League of Nations, so-called, does not incorporate a single one of these elemental features I have mentioned. To begin with, it is not a League of Nations at all. It does not represent the nations of the world; it does not pretend to. It does not represent nations, but governments. It takes the same diplomatic courses with different countries. The same cliques that have been involving the world in all these wars time and time again. It elevates them, lifts them out of their respective chancellories, and brings them together in one place and calls them a League of Nations.

The League of Nations, as formulated in Paris, is not to be composed of members elected by the different nations by popular suffrage; not even by Parliament. No! They are to be men appointed by the foreign offices, by the diplomatic offices in various countries. Now, of course, you can hardly expect the diplomats to abolish diplomacy, just as little as you can expect the capitalists class to abolish capitalism. But that is precisely what we expect them to do. We send a lot of old diplomatic fossils, who have been responsible for more human misery than any other class of men in the world, we sent them into one room in Paris to devise a League of Nations — and they did. They perpetuated themselves and legalized themselves and described themselves to be a League of Nations.

By Assemblyman Cuvillier:

Q. Do you think Lenine and Trotzky and the Soviet government have adopted your idea of the League of Nations? A. Yes, they have.

Q. You think so? A. Yes, I know they have. I will tell you about that a little later, in detail.

Mr. Conboy.— Would it be advisable to adjourn for a few minutes, so we can get a little air in the room? Perhaps Mr. Hillquit will appreciate a little rest, also.

The Witness.— Well, perhaps the League of Nations can wait five minutes longer.

The Chairman.— We will adjourn until 4 o'clock.

(Whereupon, at 3:40 P. M. recess was taken until 4 o'clock P. M.)

AFTER RECESS

MORRIS HILLQUIT resumed the stand, and testified as follows:

The Chairman.— You may proceed, Mr. Stedman.

The Witness.— Will the stenographer please read the last few lines to me?

Mr. Conboy.— If my notes are correct, you were discussing the part that armament played in bringing about wars between nations. I think you had just reached the conclusion that armaments must go.

The Witness.— This was before the end, Mr. Conboy. It was the last note that you made, but not the last thing that I said. The last thing I said, as far as I can recall it, was that one of the Socialist objections to the League of Nations as constituted or formulated at Paris, was that it was not a League or organization of the peoples of the different nations; that it was not democratically constituted, but that it attempted to perpetuate our diplomatic service in the various countries under the name and guise of the League of Nations.

Mr. Conboy.— And you said they had "legalized" themselves.

Mr. Block.— League-ized.

The Witness (resuming).— The next objection of the Socialist party, or parties, to this so-called League of Nations is that the administration of its affairs is not left in the hands of the nations who are supposed to constitute the League, or such an executive instrument as such nations may choose, but that it is left in the hands of a council of nine, of whom five are perpetually named.

These five forming the majority of the council, being the five principal powers on the Entente side in the war.

Now, the Socialists reason that if a League of Nations is to have any real vital function it must wipe out hatred between nations; it must wipe out all lines of demarcation between one camp and another camp. It must, at any rate, not perpetuate hostile camps among nations, and this arrangement by which the five principal belligerent powers on one side, are constituted the majority in the council of the League of Nations, which council is practically impotent under its terms. Excluding all of the rival camps, it is something that must of necessity defeat the hope of any League of Nations. Of course, sentiment and hatreds are strong now because we are so soon after the war, but the object of the League of Nations, nevertheless, is to do away with national antagonism and hatred once and for all.

Now, then, instead of doing that this national hatred and antagonism in this League of Nations are perpetuated. The present belligerents on the entente side are made the League of Nations. The other side is excluded from its administration. Then, probably a more cardinal objection to the League of Nations is its one-sidedness, and if you want to choose a somewhat stronger term it is hypocrisy.

We start out upon the assumption that it is wrong to subjugate peoples. Our President has said, I believe, that never again in the future shall nations' peoples be bartered by us from hand to hand like chattles, which means, in other words, the system of maintaining colonies, subjected countries, must go in a civilized world. Now, then, what did our League of Nations in Paris do? They took that from the moral principle and applied it to Germany, and said, "You shall not be an affiliation. You shall not subjugate foreign peoples. We take away your colonies;" but they did not do that to England or to France or to Italy. In other words, the thing morally reprehensible is allowed for ourselves, is denied the other fellows. Our opponents must be good, but you may be bad.

The same applies to every other cardinal provision; for instance, the provision as to disarmament.

Mr. Conboy.—May I interrupt you long enough to ask you whether when you say our opponents must be getting more bad who you are referring to?

The Witness.—The allies. We are part of the allies.

Mr. Conboy.— You incorporate the United States among them?

The Witness.—And I incorporate all those parties who are responsible for the draft of the League of Nations as manufactured in Paris. I say they apply these principles on one side and don't apply them to themselves. For instance, the principle of disarmament gradual and eventually complete was one of the main points of the basis underlying any League of Nations. The Paris conference has effectively disarmed Germany and Austria and Bulgaria and Turkey, and it was very well that it should have disarmed them, but when it comes to themselves they don't. They provide that each of the countries may maintain a necessary force, leaving it to themselves to determine what is necessary, taking into account geographical situation and so on. In other words, as far as applied to the allies themselves there is absolutely no attempt at actual disarmament.

The same applies to the waterways. For instance, the Kiel canal is international. The Straits of Gibraltar, the Suez canal and the Panama canal are not. The same applies in fact to every provision. The paradox of the entire thing is that it looks as if our representatives got together in Paris for the purpose of creating ideal conditions among our enemies or late enemies and leaving the allies with the conditions obtaining before the war.

Assemblyman Cuvillier.— Trotzky and Lenine were willing to become a part of the League of Nations, weren't they?

The Witness.— Trotzky and Lenine before the Russian Revolution and before the development of present conditions in Russia took the International Socialist position of willingness, not only willingness, but eagerness to create a true League of Nations.

Assemblyman Cuvillier.— They applied to the Paris conference to be admitted to the council, didn't they?

The Witness.— To be admitted to the council, but it is hardly a proper statement.

Assemblyman Cuvillier.— Well, your own way, then.

The Witness.— We will come to Russia and Lenine and Trotzky pretty soon, Mr. Cuvillier, and we will go into the subject fully. I propose to do that.

Returning now to the League of Nations. The enormity of the present plan of the League seems to us Socialists, and when I say to us Socialists I base my statement on official declarations

of Socialist parties here and everywhere and international conferences as well.

The enormity seems to be this: that the League of Nations, of course, cannot be considered apart from the Peace Treaty. The Peace Treaty is just as much an organic part of the arrangement, or the League of Nations. Now, by the Peace Treaty we proceed in rearranging the world in a certain way. First, we leave, as I stated before, the main powers on our own side in possession of all of the stolen goods, figuratively speaking — referring to the colonies — and then we impose certain very onerous conditions upon the other side. When we have done all that we declare that this condition of affairs that we have created must remain so forever, for it cannot be changed except by unanimous consent of the council, and the unanimous consent of the council includes the votes of the powers who have the advantage of having dependencies, colonies — and so on.

Having proclaimed the abstract right of self-determination, for instance, we leave Ireland under the subjugation of England — call it subjugation, because they feel that way — and we leave Egypt and India in the same condition, and then the league proceeds to say that this condition cannot be changed, and if an attempt is made to change it, the entire world has to be reckoned with. In other words, so far from making it easy for oppressed nationalities to gain their independence, the league makes it more difficult; so it is not a step in the right direction, a step toward progress; but it is a step backwards.

Mr. Conboy.— Where do you find any reference in the League of Nations to the right of self-determination?

The Witness.— I do not. That is the trouble. I did find it in President Wilson's statement of the fourteen points. I did find it in Lloyd George's very eloquent statements before the war; but I find absolutely no smell of it in the League of Nations plan as formulated in Paris.

Mr. Conboy.— I wanted to bring out that fact. In your judgment, the attempt by Article 10 to guarantee the integrity of the various empires and countries and nations as constituted, without any application or recognition of the right of self-determination, brings about an unjust condition?

The Witness.— Exactly. In this case the unjust condition created by the Peace Treaty.

Mr. Sutherland.— May I interpolate this suggestion, Mr. Chairman: Is it not from external aggression that the covenant binds the nations to protect a member of the league, and would that apply to an effort toward independence on the part of a people constituting now a part of the British Empire?

The Witness.— Why, Judge, you have had a very concrete illustration of it in the outbreak of this war. There was a quarrel between certain Serbs who were incorporated into the Austrian Empire and Austria, and the Serbs not incorporated in the Austrian Empire naturally came to the assistance of their fellow-countrymen. That certainly would be considered an external aggression.

Mr. Sutherland.— I am not attached to Article 10, but I merely call attention to the language where the term "External Aggression" is used, which, it seemed to me when you were discussing it, you had not given any emphasis or possibly paid any attention to. External aggression differs, it seems to me, from the effort of a people constituting a constituent part of the British Empire to-day to free themselves from the control of that empire and set up an independent government.

Mr. Stedman.—What the Judge wants to know is would the Irish of the United States help the Irish over there; if they did that, would that constitute aggression?

The Chairman.— No, no.

The Witness.— I do not think the Judge means that, but I think Mr. Stedman means that.

The Chairman.— I do not think we will take an awful lot more on this League of Nations matter.

Mr. Sutherland.— If any of the discussion has any place here, we ought to be fair to the language of the covenant of the League of Nations, which I insist binds only a concerted movement against external aggression. I think that ought to be kept in mind here.

Mr. Brown.— It seems to me that the witness' views on the League of Nations are wholly immaterial.

The Chairman.— They got into it on account of the questions they asked Mr. Collins; therefore, I allowed this discussion.

Mr. Brown.— It is interesting, but not important here.

The Witness.— Except to this extent —

The Chairman.— Except to answer what Mr. Collins said.

The Witness.— Except to answer what he said; but it is a very important inference that the Socialists are opposed to the League of Nations because they are opposed to a regime that would create peace, and that the League of Nations would be inimical to Socialism.

The Chairman.—What I wish to avoid is a controversy here between you gentlemen over the League of Nations.

The Witness.— We shall be very brief.

The Chairman.— Make it very brief.

The Witness.— Yes, we shall. I shall say to Judge Sutherland I did not overlook this expression, "External aggression." I do not know of any rising of a subject nation which is not at the same time accompanied by foreign aid that would not constitute if you want an "External aggression." Now to make it very brief as to the other points of criticism of the League of Nations, we do not think that the court of international justice has been created by its provisions; we do not think that wars have been substituted by processes of judicature. Our view on the League of Nations generally is that it is practically a revival and repetition of the Quadruple Alliance of 1813 at the conclusion of the Napoleonic wars.

Assemblyman Cuvillier.— The Holy Alliance?

The Witness.— I mean the Quadruple Alliance.

Assemblyman Cuvillier.— Which is the Holy Alliance?

The Witness.— No, which is an alliance consisting of England, Austria, Prussia and Russia which was known as the Quadruple Alliance and whose object was to maintain peace, but which proved the most reactionary alliance in history. The Holy Alliance sprang up as a separate organization lead by Czar Alexander of Russia, and not including England, but only Russia, Austria and Prussia, proclaiming in the most high-sounding words the protection of religion and morals and property, and proceeding to exterminate every progressive movement in Europe. Now, our

analogy is this. We say the five great powers, the Quintuple Alliance, if you will, exactly parallels the Quadruple Alliance of 1813. The Holy Alliance within the Quadruple Alliance is represented here in our case by the free powers, as in that case, the United States, England and France given particularly to the formulation of the most progressive sounding phrases and statements, which however, in application, prove to be most reactionary, and as an instance of it we need not go any farther than to cite, say, for instance, the blockade of Russia, which is done ostensibly in behalf of civilization and progress and which, I believe, is about the most brutal undertaking known to history, of any age. That disposes of our League of Nations and our objections to it.

By Mr. Stedman:

Q. Are you generally familiar with the literature and documents of the Soviet Russia movement, the changes that have taken place there during the war? A. You mean with conditions in Russia under the Soviet Government?

Q. Yes. A. I am.

Q. And also you are familiar, no doubt with the resolution and manifestoes of the Socialist party in reference to the situation in Russia? A. I am.

Q. The one adopted at the convention in August, 1919, was originally drafted by you? A. The original draft was prepared by me and served as a basis of the resolution adopted by that convention.

Q. That is the manifesto in which they expressed the feeling toward the Soviet? A. It is.

By Mr. Stedman:

Q. Will you state the position of a Socialist in regard to the recognition of the Soviets?

Mr. Sutherland.— Mr. Chairman, that is expressed in the manifesto prepared and issued at the September, 1919, convention. Now, if there is any phrase in there that needs interpretation, I suggest that his attention be called to it, but that he not be allowed to go outside of the words of this formal pronouncement, and give his own personal views of what the attitude of the Socialist party is.

Mr. Stedman.— You entirely forget what Mr. Collins testified to. We are only following the proof that you have introduced in evidence.

Mr. Sutherland.— Let's hear the question.

The Chairman.—What is the question?

(The question was then read by the reporter).

The Chairman.—You may answer.

Mr. Conboy.— May I inquire, when you speak of the attitude of the Socialists, are you going to refer to the Socialist Party of America, the Socialist party generally, or in Russia?

The Witness.— The Socialist party of the United States, that is, in my knowledge. The attitude of the Socialist Party of the United States toward Soviet Russia is based upon my reading Socialist literature upon the subject. I should say here that the Soviet government, as a Socialist movement understands it, is not the Socialist Government as Mr. Lansing understands it, or as Mr. Collins understands it, and when we say, "We pledge our support to the Russian Workers in the maintenance of the Soviet Government," we mean to the maintenance of such a government as we Socialists understand the Soviet Government to be. Our understanding of the Soviet Government, its essence, its character, is based upon rather voluminous literature upon the subject. Personally, I should say, without exaggeration, that I have made quite a thorough study of the literature on the subject; that I have read both books against Soviet Russia, as books in favor of Soviet Russia, reports of persons coming out from Russia and opposed to the regime in Soviet Russia, as reports of persons coming out of Soviet Russia friendly to the Soviet Government; likewise, periodicals and papers published pro and con. For instance, "Struggling Russia," in opposition to the Soviet Government; "Soviet Russia," in support of it. Based upon this and based particularly upon a reading of the Socialist press, I will say that the Socialists generally in this country, and in every other country, as far as I could see from reading the literature, take a favorable view on Soviet Russia. There is perhaps this statement to be made, Mr. Chairman, that there is not another subject. I believe, in the contemporaneous literature of the world that is more controversial than the literature upon this particular subject. It is natural. Russia today is in a condition of a struggle, a vital, social struggle. Every person who takes up the study of the question, of necessity feels a sort of personal interest and personal leaning in the matter. There is hardly such a thing as an im-

partial observer. People come out from Russia either entirely opposed or entirely friendly. Now, then, the Socialists more or less naturally, I suppose, take the favorable side and support the Soviet Government on the assumption that a more favorable description of its operation and character is the true description.

That is to begin with. As to the origin of the present Soviet government: Socialists do not proceed upon the assumption that the Soviet government to-day was organized by arbitrary and malicious will of the few firebrands or cantankerous agitators. They do not believe in it first, because it is in conflict with the historic facts; second, also because they are in the one position to know the character and motives of the man responsible for the change into a Soviet government in Russia. I may say personally I know the many heads of the Soviet government,—Lenine, Trotzky and some others; and I can testify particularly as far as Lenine is concerned that he is a very sober and very moderate, if you want, thinker, and social worker, and by no means the irresponsible firebrand he is represented to be by the non-Socialist press. Aside from that we do not believe that a system can be created in a vast country like Russia and maintained over two years by the mere arbitrary will, or intrigue, or conspiracy of a handful of agitators.

We believe that in order that such a system could be created and maintained that if it could continue for two years, gaining strength from day to day, there must have been very specific and definite social, economic and political conditions which have measured that system and which are supporting that system, and there were such conditions in Russia.

To begin with, for decades a vast majority of the Russian people, the peasantry of Russia, have been acutely suffering under the system of land ownership, or land owner, which is, of course, we all know only recently evolved from a state of serfdom, and which in the main constituted a very small, insufficient allotment to each peasant family, and insufficiently for the high and heavy taxes and burdens to be paid for that land. That had been a standing sore aggravated from year to year, the general mal-administration of the Czar's regime, together with the policy of repression and persecution, and then on top of all of that, a three years' war which was probably severer for Russia than for any other countries participating, a war in which Russia mobilized about twelve million men, taking them straight out from the heart of the working peasantry and the industrial working classes,—

twelve million men without facilities for feeding them, clothing them, equipping them, and sending them to the front, very often half naked and half starved in the severe Russian winters. Then at the end of the three years and disorganization of all industries, and disorganization of the political system and of government, a general condition of anarchy, political economy and in every other way, and then finally the collapse of czardom.

Assemblyman Cuvillier.— Due to German money?

The Witness.— No, not at all, Mr. Cuvillier. If German money could make Russian revolutions in Germany and elsewhere they would not have waited so long.

The Chairman.— Do not let us have a discussion.

The Witness.— No just testimony. We cannot explain international revolutions on the theory of bribes. That is too simple.

Then on top of it a new regime, the Kerensky or Miehlikoff regime, weak, wavering, unable to comply with the demand of the large population of Russia and growing discontent from time to time, and amidst it all the organization and springing up of the only form of social organization in Russia, the Soviets. Meaning by it combinations, organizations of workers, peasants and soldiers, who covered the entire country as with a network, and was really the only power the only force left in disorganized Russia at that time.

If we bear in mind all these conditions we will understand that a system such as prevails today, no matter under what name, was bound to spring up. The peasants demanded immediate possession of land. The workers demanded bread. The soldiers had ceased fighting. The entire country demanded peace, and there we had a weak government,— this provisional government, trying to maintain things against the will of the nation, until a point was reached where they could not keep it up any longer, and the people as such, the masses of the peasants and workers organized in Soviets, rose and took over power.

Assemblyman Cuvillier.— By force?

The Witness.— No.

Assemblyman Cuvillier.— How?

The Witness.— In this way: the Soviets had been the real power and the real force in Russia even under the Kerensky and

Miehlikoff regime. They dictated the policy of the cabinet, but the Soviets at that time had been composed of rather conservative elements, moderate Socialists like ourselves, Mr. Cuvillier. Then when conditions became as unbearable as they were, and as I describe them, and when the leaders of the Soviets, and the leaders of the governments refused to come to the immediate assistance of the people, and with that appeal to the allied nations for help, and the whole allied nations turned a deaf ear to that, then they demanded an immediate resettlement of the peace program, and that was refused. When they found themselves abandoned, left to their own resources, without leadership of any kind, then the same masses in the Soviets that had been moderate and patient became rather impatient, and then the same Soviets, without any application of power or force at all, became what you call Bolshevists, and that constituted in itself that change or revolution, if you want, in Russia.

By Assemblyman Cuvillier:

Q. It was by force, though, was it not? A. Not a drop of blood was shed in the November revolution.

Q. No. A. No. When you speak about force you refer to a much later period of terrorism. We will come to that later. But the transition from the Lenine to the Trotzky regime was perfectly peaceable.

Q. How about the revolution at the cadets' barracks? A. It was not a revolution. The cadets were merely boys in a military school.

Q. No. A. Yes.

The Chairman.— Now, gentlemen, proceed.

The Witness.— They attempted to start a revolution and they were disarmed and sent home.

By Mr. Conboy:

Q. You refer to cadets being merely boys in the military school? A. Yes, those are the cadets. That is, those that had any part in this.

Mr. Brown.— The witness is giving his views.

By Assemblyman Cuvillier:

Q. Let us understand this for the record. Now, Mr. Hillquit, let us understand you correctly, that in the overthrow of the

Kerensky government by Trotzky and Lenine that there was no bloodshed; that is your statement? A. Absolutely.

The Chairman.— Proceed.

The Witness.— The Socialists do not accept the view expressed so often in the press, and by Mr. Cuvillier here, several times, that Lenine and Trotzky or the Bolshevist leaders were German agents; that they came to Russia with German money in order to create a revolution for the purpose of weakening the allied forces.

Assemblyman Cuvillier.— Now, Mr. Chairman, this is a very important proposition. Lenine was in Germany before the overthrow of the Czar's government.

The Witness.— Well, you happen to be wrong. He was in Switzerland.

Assemblyman Cuvillier.— Then he met the German emissaries there.

The Chairman.— Now, I am going to exclude that.

Assemblyman Cuvillier.— Wait until I get through. This is very important to this Committee.

The Chairman.— I do not consider it important at all.

By Assemblyman Cuvillier:

Q. Now, after he was there and went back to Russia the Russian army deteriorated — had a revolt — and the consequence was that the Soviet government made a treaty with Germany releasing three million German troops who were sent on to the Western front, causing the United States to send three million men in four months to the Western front. A. Your sentiment is right, but your history is rotten.

Assemblyman Cuvillier.— They are facts, not history.

The Chairman.— That part of the historical situation, so far as Germany and Russia are concerned, I am going to exclude that.

Assemblyman Cuvillier.— I want it to go into the record that it is a fact.

The Witness.— We will come to that. I do not want to get into any lengthy discussion.

The Chairman.— That does not concern us.

The Witness.— Here is just the point —

By Assemblyman Cuvillier:

Q. Those soldiers went over there, that would not otherwise have had to go over. A. These Socialists here — these Assemblymen — are charged with lack of patriotism —

Q. And it is a very important point in the case. A. An attempt is being made to show that we sympathized with Lenine and Trotzky, who, it is alleged, were German emissaries who helped to break down the Allied warfare and to betray the Allied forces.

Q. Correct. A. Now, my point in saying that is, as far as we Socialists are concerned, we do not believe for a moment that Lenine or Trotzky, or their comrades, were German emissaries or actuated by German money; my point is to clear ourselves from this imputation, and to this extent it is relative. As I say again, I do not want to go into lengthy discussions unless I am compelled to.

Now, then, as we do it, the actual situation was as follows: Lenine, and not Trotzky, Lenine and a number of his comrades of the same school of Socialists were in Switzerland, and were violently opposed to the war, and so declared time and time again, and their position was known to every one. While the Czar was in power they could only act in Switzerland, and could not go back to Russia. With the revolution of March, 1917, the way was opened to them to go back to Russia. They wanted to go back to Russia, and quite likely, and more than likely, as far as Germany was concerned, the German Government was glad to have them in Russia, because they knew their anti-war attitude, and they allowed them passage through Germany in closed cars.

Assemblyman Cuvillier.— That's just it.

The Witness.— They got to Russia, and when they got to Russia they came with the same views as they had before. But this is what happened: In the first place, before making peace with Germany, they made every effort in the world to get the Allies to come to their support, and enable them to continue the war against Germany. Even at Brest-Litovsk, when Germany demanded the last pound of flesh, the last cry of despair was sent up by them by the Bolsheviki, to the Allied powers, including our

State Department and President, asking them to come to the support of the Russian armies, to provide them with the necessaries to enable them to continue the war. When that broke down, no allied support came, and when the Russian armies were absolutely left without any means to fight on, then they took the best peace they could get, but their hostilities with Germany did not cease for one moment. Germany continued its aggressions on Russians, even after the signing of the Brest-Litovsk treaty for a long time. Germany got hold of the Ukranian Rade, which is the parliament council, in an effort to have them rise against Russia. Russia, on the other hand, made every effort in the world to demoralize the German armies, and it is the German General Ludendorf and others who recognized but recently that it was the demoralizing Socialist Bolsheviki propaganda, carried on by Lenine and Trotzky, that was responsible for the breakdown of the German army more than the armies of the Allies.

Assemblyman Cuvillier.—Field Marshal Hoffman of the German Army, stated to Trotzky, who represented there the Russian Soviet, that unless Russia quit with the Allies that immediately they would take possession of Russia, and that the hostilities would go on. Is that correct?

The Witness.—Absolutely incorrect.

The Chairman.—The Committee tell me they don't care to hear more about that.

The Witness.—As far as our conception is concerned, we don't for a moment entertain the notion that Lenine or Trotzky or the Soviet government were actuated by German money or influences in their conduct or organization. We also do not believe that the economic breakdown of Russia, of which so much is being made by their adversaries, is due to the Bolshevist regime. We believe that the economic breakdown came much before the event of Lenine and Trotzky. The economic outbreak was rather the cause than the effect of the Bolshevist regime, but the economic breakdown having occurred under the Czar, having continued under the provisional government, having been intensified by the war, and by sudden demobilization, was still more intensified by the policy of intervention and policy of allied blockade, because there was Russia in this condition, where it could, for the first time in years,

take up its economic problems and solve them. It was forced, in the first place, to carry on a war. I say they were forced, because the Russian Soviet government at all times has protested its desire for a peace, has offered peace to every one, but at the same time the Allies have forced her to continue war by supporting all kinds of revolutionary movements, such as the one of Kolchak, Denekin, Yudenich and so on. Now, the result of all that was that whatever literal resources were left in Russia, had to be turned over to the military service instead of being left to the civilian population. The little transportation that was left to the railroad equipment, and even the food, had to go principally to the soldiers. And then, finally, when Russia was shut off from the rest of the world, with no possibility of exchange, then of course, the misery was intensified all the more.

We believe, however, that notwithstanding this absolutely unparalleled situation of difficulty Soviet Russia has done a good deal to rebuild the economic conditions of Russia. From all the accounts we can get, the railroads have been increased in service very considerably; the industries are being reorganized again very largely; an especial institution, the Supreme Council of National Economy is about to tackle the proposition in a scientific, systematic manner, so that we do not blame the breakdown of Russian industries or economic life upon the Bolsheviki, but, on the contrary, we say that under the conditions they did exceedingly well.

We do not approve of the short period of terror which reigned in Russia at that time. Nobody approves of terror. I do not suppose the Soviet Government itself approves of it. They maintained that as a measure of self-defense they were driven to that instrument of repression at a certain period. That after a time when the counter-revolutionary movements all over Russia became bold and aggressive, when attempts were made upon the lives of Lenine and others, when some of the commissars were actually killed, it had become necessary for the preservation of the government and of the country to recur to methods of terror, that is summary executions or martial law. Now, of course, we will have to know all of the facts before we shall be able to say whether or not conditions had made such repressive measures necessary or whether they were necessary to the full extent. All we can say is that self-defense is a recognized weapon in the hands of any government.

Mr. Conboy.— May I interpolate there; you believe that self-defense, self-preservation, is the first law of governments as it is with individuals?

The Witness.— Of governments as with individuals, yes. We believe that that period of terror is grossly misrepresented and exaggerated in the general press accounts. From Soviet sources we understand that it did not last more than about six months and did not involve more than about four or five thousand victims, which is a large number, no doubt, but small in a population of about one hundred and fifty millions; and we do not also close our eyes to the fact that the red terror was not the only terror prevailing in Russia at the time; that there also was a white terror, and that the white terror, meaning the terror of counter-revolutionary forces, was larger in extent and more brutal in manner than the red terror. We do not, I repeat, approve or endorse the policy. We withhold judgment upon it. We know, however, that the entire affair is grossly exaggerated, and we note also this fact, that when this condition of terror provoked protests all over, including the protest lodged by our President, conditions such as existed, for instance, in Finland, where the white guard exterminated some twenty to thirty thousand persons, or red guard, or suspicion of being red guards, where General Krasnov shot sixteen thousand miners without trial of any kind. Such acts being committed by the white guards or reactionary powers did not provoke as much indignation as the red terror or alleged red terror of Soviet Russia. We, of course, do not believe in the exploded, ridiculous story of the nationalization of women in Russia. This story first appeared in the London Nation. It has been repudiated by that paper. That paper has apologized for printing it.

The Chairman.— We know of no proof of that in this case.

The Witness.— None at all.

The Chairman.— Pass it by.

The Witness.— Pass it by. We also do not believe that religion was abolished in Russia. On the contrary, the constitution and decrees of the Soviet government expressly recognize the right of every person, citizen or resident of Russia, to believe as he pleases and to worship as he pleases.

The Chairman.— That is in their constitution?

The Witness.— That is in their constitution. I think it was Mr. Collins who testified that religion was abolished in Russia.

Mr. Sutherland.— I think there was something said about the prohibition of education of children in religious schools.

The Witness.— There is something to that effect in the constitution.

Mr. Sutherland.— I think that is what the witness had in mind.

Mr. Brown.— Mr. Hillquit has not touched upon one point I should like to hear him on. Am I right, Mr. Chairman, in reading the Socialist literature, that the Socialists of America are in sympathy with Russia because it was down with capitalism and up with the proletariat?

The Witness.— I do not quite understand that. It is what?

Mr. Brown.— Down with capitalism and up with the proletariat.

The Witness.— That is a very crude way of expressing it, but I have a note of it and will come to it and explain it.

Mr. Brown.— It seems to me that was in connection with your liking or disliking.

Mr. Sutherland.— Before he gets away from the present point he is discussing, I wish he would explain his views on the prohibition of the education of children in Russia in religious schools, if there is such a thing there.

The Witness.— I think there is, and there is such a thing in France, which is not a Socialist republic. The separation of church and state implies also the secular education, that is, the prohibition of the church right to educate children. I believe the identical provision is contained in the French law of separation of church and state.

Mr. Conboy.— May I interpolate there to ask you, Mr. Hillquit, if it is your understanding that the law of France is similar to the law of Russia in this respect: as I read the Russian constitu-

tion or decrees upon education it is forbidden to teach religious principles in any school whether public or private. Is that your understanding of the Russian decree on the subject of education?

The Witness.— I think it is.

Mr. Stedman.— You are mistaken on that.

Mr. Conboy.— Mr. Hillquit says I am right.

Mr. Stedman.— It provides for secular education the same as in Germany and they can attend religious instruction outside if they please.

Mr. Conboy.— Doesn't it also prohibit education on religious topics in schools, whether public or private?

Mr. Stedman.— No.

The Witness.— My impression was that you were right about it. I think you are right about it, but I won't be sure. I will have to refer to it.

Mr. Conboy.— Assuming that I am right, Mr. Hillquit, do you understand there is the prohibition under the law of France of teaching religion in private schools.

The Witness.— The parochial schools that existed in France have been definitely abolished. I am not ready to say whether there is a prohibition against teaching religion in private schools, but there is the point, Mr. Conboy. The entire education in Russia has been nationalized. Private schools in Russia, I think, are nonexistent. Private instruction is possible. Now, then, that would mean that in schools, of which there is only one class in Russia, namely, public schools, religion cannot be taught as one of the subjects, but there is no prohibition against any parent or any private person teaching any tenets of religion to any child or any adult.

We also disagree entirely with Mr. Collins' statement to the effect that the Soviet government has abolished, or destroyed, the trade union movement—that is what he said, I believe—in Russia. Why, the contrary is the case. Under the Soviet government the trade union movement in Russia has grown im-

mensely. There were about 300,000 trade unionists before the revolution; there are over 3,000,000 trade unionists in Russia to-day, and the trade unions in Russia not only have not been suppressed by the Soviet government, but they have been led into a quasi-governmental institution; they have quasi-legislative powers in their national executive committee of trade unions with respect to certain shop conditions. In the Supreme Council of National Economy, which is the most important organ of the Russian administration or administrative scheme, thirty members out of a total of sixty-nine are directly elected by the trade union central committee; so that Mr. Collins' statement, to the effect that trade unions have been destroyed by Soviet Russia because they have a tendency to ameliorate the condition of the workers, is again just the opposite from the true facts, which are that trade unionism in Russia has grown and become stronger since the advent of the Soviet government.

We also do not accept the theory propounded here and elsewhere, that the Russian Soviet Government is an autocracy. The contention has been made here that the Socialists of the United States advocate a Soviet form of government; that the Soviet government is not a republican form of government; hence, that we are indirectly against the provisions of the Constitution of the United States, which guarantees the republican form of government.

Mr. Conboy.— May I interrupt you there long enough to direct the attention of the Committee to the subject we were on a few moments ago? It will be found on page 175 of Exhibit No. 41, which is the decrees and constitution of Soviet Russia, and the particular passage is as follows:

“The school is separate from the Church. The teaching of religious doctrines in all State and public, as well as in private educational institutions, in which general subjects are taught, is forbidden. Citizens may teach and study religion privately.”

The Witness.— May I call your attention to this one qualifying phrase: “All schools in which general subjects are taught”—meaning thereby that there is no prohibition against religious schools.

Mr. Conboy.— I also call your attention to the language of the constitution. It refers to general and public and private institutions.

The Witness.— Yes, in which general subjects are taught. In other words, the Soviet government takes this position. That where you send your child to acquire a general knowledge, religion is not a part of that instruction — something analogous, I believe, to the provisions of our public school regulations; and if you want your child to get a religious education, send that child to a religious school, and the other people similarly may do the same.

Mr. Sutherland.— Where they teach nothing but religion?

The Witness.— Yes, where they specialize.

Assemblyman Cuvillier.— Sunday schools?

The Witness.— Yes, Sunday schools, perhaps.

Assemblyman Cuvillier.— Synagogues?

The Witness.— Something like it.

Mr. Conboy.— Now, Mr. Chairman, it is five o'clock and we have our conference.

Assemblyman Evans.— I want to put one question on the record.

The Chairman.— Proceed.

By Assemblyman Evans:

Q. Mr. Hillquit, would you kindly answer a hypothetical question? A. Yes, with pleasure.

Q. You need not answer it today, but I would like to read it to you:

Assuming that the Soviet Government of Russia started out by force of arms to impose its form of government upon the other nations, and particularly upon the United States of America; assuming that in carrying out this purpose it committed an act of war upon the United States; assume, further, that thereupon the United States declared war upon the Soviet Government of Russia; assume, further, that at that particular time the majority of the people of the United States were in favor of retaining its present form of Constitution, Republican Government — would you tell me what position, in your opinion the Socialist party of America should take, or would take, in reference to supporting

or opposing the war thus declared by the United States? A. Why, I will say, Mr. Evans, in the first place, your hypothesis borders upon the impossible, but with all that, if you want an answer, assuming the impossible, I should say that the Socialists of the United States would have no hesitancy whatever in joining forces with the rest of the countrymen to repel the Bolsheviki who would try to invade our country and force a form of government upon our people which our people are not ready for, and do not desire.

The Chairman.— I understand you have a conference?

Mr. Conboy.— Yes, at five o'clock with the Attorney General.

The Chairman.— Then we will adjourn until tomorrow morning at 10:30.

(Whereupon, at 5:05 o'clock P. M., on February 17th, 1920, the Committee recessed until tomorrow morning, Wednesday, February 18th, 1920, at 10:30 o'clock.)

STATE OF NEW YORK — ASSEMBLY CHAMBER

In the Matter of the Investigation by the Assembly of the State of New York as to the Qualifications of Louis Waldman, August Claessens, Samuel A. deWitt, Samuel Orr and Charles Solomon to Retain Their Seats in Said Body.

THE CAPITOL,

ALBANY, N. Y., *February* 18, 1920

Present:

Hon. Louis M. Martin,
 Hon. George H. Rowe,
 Hon. James M. Lown,
 Hon. Edmund B. Jenks,
 Hon. Edward A. Everett,
 Hon. William A. Pellet,
 Hon. Charles M. Harrington,
 Hon. Harold E. Blodgett,
 Hon. Theodore Stitt,
 Hon. Louis A. Cuvillier,
 Hon. Maurice Bloch,
 Hon. William S. Evans,
 Hon. Edward J. Wilson.

Appearances:

For the Judiciary Committee:

Charles D. Newton,
 John B. Stanchfield,
 Arthur E. Sutherland,
 Elon R. Brown,
 Martin Conboy,
 Thomas F. Carmody,
 Samuel A. Berger,
 Archibald E. Stevenson,
 Henry F. Wolff.

For the Socialists:

Morris Hillquit,
Seymour Stedman,
Gilbert E. Roe,
S. John Block,
William S. Karlin,
Walter E. Nelles.

LOUIS M. MARTIN; Chairman.

(The Committee convened at 10:40 A.M.)

MORRIS HILLQUIT, resumed the stand and testified as follows:

Direct examination (continued) by Mr. Stedman:

Q. Mr. Hillquit, yesterday afternoon you closed your statements with respect to the Soviet. I wish you would resume where you left off with reference to the Soviet. Does that give you sufficient cue?

Mr. Conboy.— It would be more accurate that you closed with the answer of the hypothetical question.

Mr. Stedman.— I am shooting a little ahead of the hypothesis.

A. The charge is made that the Soviet Republic of Russia is not a republic at all, but a despotism of a few men with the implication that the Socialist party in pledging its support to the Soviet government thereby expressed sympathy for a non-republican despotic government. The Socialist conception of the Soviet government is not that it is a despotism at all. The difference between a republic and a despotism is that the former chooses its rulers and regulates them whenever it feels like it, while in the latter case the ruler is not chosen by the people but becomes by inheritance. Now, as far as the Soviet government is concerned the supreme rule is in the hands of the Council of Commissioners who are elected by representatives of the people and who can be at any time recalled. They are elected by the executive committee of the All-Russia Soviet or Congress of Soviets and may be recalled or removed by the same authority at any time. It is true, however, that they are not elected even indirectly by the whole people, but they are, nevertheless, so elected by the representatives of a vast majority of the people of Russia.

The regime in Russia may be described as a limited democracy; the rule of the workers and of the peasants of Russia, which means the rule of perhaps no less than 95 per cent of the population, a certain percentage, and a small one, of the people of Russia are excluded from government under the Soviet system. That is by no means peculiar to the Soviet system of Russia. It is a system which has been in vogue in a somewhat different form in this country for a great many years, and has been in vogue up to the war in almost every European country,—the system of limited suffrage. The only difference between such system and the system now prevailing in Russia is that while suffrage was qualified, say, in the United States in the early days of the Republic, upon ownership of property, and so, likewise, it has been in most European countries. The suffrage in Russia is qualified upon membership in the working class; upon doing some useful work for the community. The Soviet system in Russia has reversed the conditions of suffrage heretofore existing in substance, but not in principle. In other words, where by indirection, say, for instance, here in the United States, as I said before in the early part of our existence as a republic, said this is largely a government of possessors of property, and consequently we will not trust the vote to non-possessors of property, proletarians, because they may subvert this government to their use, and dispossess the owning classes. So the Russian Soviet Republic says, this is a government of workers, only those who do some work, physical or mental, but some useful work to the community, shall have a right to participate in this government, and those who live by the toil of others are excluded from the government.

Now, this, I say, is a limited democracy of a somewhat novel form; but it may be noticed here that the representatives of the Soviet government do not consider the present system prevailing in Russia as a permanent one or as an ideal one. They consider it merely as a transitory one, and one imposed by necessity; in other words, what they say is that eventually, and in a short time, every person in Russia capable of doing some kind of usual work will be doing such work; that the mere parasitic existence of past generations will pass away, or the people will learn to do work. When that time comes, every citizen and inhabitant of Russia will participate in the government; in other words, the present state of limited democracy will pass and will be superseded by an absolute and complete democracy.

In this connection I may say that the term they themselves have chosen — and it is generally applied to describe the Soviet government — “Dictatorship of the proletariat” is, to my mind, a misnomer. I think it merely represents an effort to bring the unusual, unpleasant conditions in Russia within a well-defined Marxian category. As a matter of fact, I believe the regime in Russia is neither a dictatorship nor is it a rule of the proletariat. It is not a dictatorship because a dictatorship presupposes a ruler with arbitrary powers, not subject to any superior control. This is not the case in Russia at all. The People’s Commissars are subject to the executive committee of the All-Russian Soviet government. The executive committee is subject to the control of the All-Russian Soviet, and the latter is composed of members who are chosen and may be withdrawn every three months. So, then, the Russian Council of Commissars is very far from being an independent body with supreme and independent powers. On the contrary, it is a responsive cabinet, more definitely subjected to control than the usual cabinet of ministers; and that rule does not represent the proletariat, technically speaking. Under the term of “proletariat” we always understood the industrial workers, who had no property — no industrial property — of their own; no tools of production, no machinery.

The peasants who own some land are not usually included in the category of the proletariat. It is a rule of all the working elements in Russia, including industrial workers and peasants and representing, as I stated before, the vast majority of the people of Russia.

The Chairman.— Do office holders vote?

The Witness.— I beg pardon?

The Chairman.— Do office holders vote?

The Witness.— Office holders do not vote as office holders. If they are otherwise entitled to vote, it is by reason of their occupation.

Assemblyman Cuvillier.— You are acquainted with article I, section 12, of the Constitution of the State of New York, aren’t you? I say, you are acquainted with article I, section 12 of the Constitution of New York?

The Witness.— I know the Constitution of New York. I cannot identify that particular section.

Mr. Cuvillier.—(Reading) “All lands within this State are declared to be allodial, so that, subject only to the liability to escheat, the entire and absolute property is vested in the owners, according to the nature of their respective estates.”

You state that all lands shall be free; is that correct?

The Witness.— Of course, even this article does not mean that the private owners of the land hold it by titles superior to that of the State. The title of the State to the land even here is superior to that of the private owners, and, of course, the State can take the land by process of eminent domain from the private owners. Was that your question?

Assemblyman Cuvillier.— The question is, that you stated the policy of the Socialist party is that the land shall be free like it is in Russia to the peasants.

The Witness.— I have not stated anything of the kind. I have not stated anything with respect to the position of the Socialist party of the United States to the land question. The Socialist party of the United States — you ask for that information —

Assemblyman Cuvillier.— Yes.

The Witness.— Does not approve of private ownership of land used for industrial or large agricultural purposes. The Socialist party recognizes the right to private holding of land for use, meaning by it, say, for dwelling and also for tilling without the aid of hired labor.

Assemblyman Jenks.— Mr. Hillquit, I understood you to speak of the representation of the peasantry. Now, do they have the same per capita representation that the individual workers do in Soviet Russia?

The Witness.— They very largely have. I notice in reading over the record that the reference was made of representation of one to every 25,000 in the towns, and one to every 125,000 for the district. That is what you are referring to?

Assemblyman Jenks.— Yes.

The Witness.— I think that was entirely misinterpreted by counsel on the other side, or the Committee, perhaps. I don't believe that means one of every 25,000 in towns, or one out of every 125,000 in districts. What it means is a sort of dual system. There are town and district Soviets, which would correspond in our country to the State organization. In the National or Russian Soviets, each of these bodies is represented. The town is represented and the State is represented. The town is represented one to every 25,000, and the State is represented in proportion of one to every 125,000, but that State is already represented separately by townships. It is by electing delegates from districts and delegates at large. For instance, say, we have a convention in the United States. New York is represented as follows: Every city and town has a certain representation. The City of Albany is thus represented. Then the State of New York is likewise represented, but by a smaller number of delegates.

Assemblyman Evans.— The city has double representation?

The Witness.— Yes, exactly.

Assemblyman Jenks.— The representation is larger in the towns. That is, they have a larger representation in proportion than the rural districts?

The Witness.— No, I don't see it that way at all.

Mr. Jenks.— Why not?

The Witness.— Because, as I said before, this representation of one to 125,000 is not limited to rural districts. The same towns that have first the direct representation in proportion of one to 25,000, then have an additional representation taken as a whole throughout the State.

Mr. Jenks.— Isn't the situation practically the same as it would be in this country if the representation in Congress and the different States was based upon the different numbers of inhabitants to the Congressmen in one State than it was in another, and yet they have the same representation in the other house, and have their Congressmen at large? That is practically the situation as it would be here if it required a greater population in one section than in another section of the country?

The Witness.—No. If in the State of New York we were allowed, say, fifty Congressmen, forty to be elected from different districts, and in addition to that ten to be elected at large, then you would have an analogous situation.

Assemblyman Jenks.—Supposing, in the State of New Jersey, you had to have a larger population in every congressional district than in the State of New York, and yet they had ten Congressmen, representatives from the different sections. Wouldn't it be the same? The only difference is, it is between cities and towns and the rural district.

The Witness.—It is not.

Mr. Conboy.—I think Mr. Block has provided Mr. Hillquit with the Constitution and he will probably read it, and tell you what it contains, Mr. Jenks.

Mr. Stedman.—Mr. Hillquit is unable to make clear apparently —

Mr. Conboy.—Suppose you let him make clear what he is unable to make clear.

The Witness.—Let me try.

The Chairman.—Let Mr. Hillquit proceed.

The Witness.—Section 25 of Article 3 provides: "The All Russian congress of Soviets is composed of representatives of urban Soviets (one delegate for 25,000 voters), and of representatives of the provincial (Gubernia) congresses of Soviets (one delegate for 125,000 inhabitants)."

Now, the mistake, as I see, under which I believe your Committee and counsel labors is in assuming that the urban Soviets represent the towns, and the provincial or Gubernia congresses represent the rural population. This is not so. A Gubernia in Russia corresponds, roughly speaking, to a state in our system. There are and always were about 50, I believe, or thereabouts, Gubernia in Russia,—each one corresponding to a state in the United States. Now, these Gubernias have their own Soviets.

By Assemblyman Jenks:

Q. Does this representation of one to 125,000 contain the territory outside of the cities, or are they included? A. The cities are included. That is the point.

Q. Then cities have extra representation in addition to joining the representation of the State at large? A. When you speak here of townships, take in mind, or have in mind, to correspond to it, say, the county in the United States, and then you get the idea. Imagine that you have our county organizations; our county administration, and the State administration; then imagine a national administration is made up of representatives of the county administration, primarily supplemented by representatives of this State administration, and then you will have, for instance, in New York, say, those as counties, each one having a certain representation, according to inhabitants. On top of that, you will have the State of New York, as such, represented by the additional and smaller number of delegates. That will be dual representation.

Q. Of the city? A. No, all through. It will be dual representation for each county, let us say, and for the State; but it will not give the advantage to the rural population over the town population. It will be absolutely the same, except that it will mean different organs of administration will be represented in the national. The local organs of administration, and then separately the State organs of administration, but it will not be on any basis which will give the advantage of the city over the country.

Mr. Berger.—Mr. Hillquit, I want to call your attention to one point. I believe when this question came up about a week ago Mr. Stedman gave an entirely different explanation. He said in urban communities representation was upon the basis of voters, and in the suburban communities it was on the basis of population. I will confess I am a bit confused about this.

Mr. Stedman.—If that is the way you understood me there is ample reason for your confusion.

The Chairman.—Let us proceed.

The Witness.—I can only give you my interpretation of it. I would say in addition to all that, that I do not consider it very material.

By Assemblyman Jenks:

Q. What about the representation of the soldiers and sailors; do they have a larger representation than any of the others? A. Why, I think that representation does not exist any more at

all. The representation of soldiers and sailors was temporary. That was during the period of the mobilization. They have at present — the Soviets are no longer Soviets of Workers, Peasants and Soldiers, as they were originally, but of workers and peasants, and soldiers count according to their original occupation, as either one or the other.

By Mr. Stedman:

Q. Mr. Hillquit, will you now distinguish between the Soviet government, the Bolshevik party, and the Moscow International?

A. Well, this, I believe, is really a very important point.

Mr. Conboy.— The question assumes three different elements.

Mr. Stedman.— Exactly.

The Witness.— In all this testimony, the three categories have been confused. Invariably the theory has been that the Soviet government of Russia is identical with the Bolshevik party of Russia, and that the Bolshevik party of Russia is identical with the Third, or Moscow, International. And I believe the reasoning of counsel on the other side has been that an expression of sympathy on the part of the Socialist Party of the United States with the Soviet government implies an acceptance of Bolshevik theories and an adherence to the principles of the Third, or Moscow, International. Now, this is a serious mistake. The three propositions, or institutions, are entirely separate. The Soviet government is an institution — a governmental institution. It need not of necessity even be a Socialist institution. The Soviets in Russia arose for the first time in 1905, on the occasion of the first miscarriage, the Russian revolution. They were renewed spontaneously in 1917 immediately upon the outbreak of the first revolution, the overthrow of the Czar. They consisted of voluntary organizations throughout Russia, organizations composed of representatives duly chosen by the industrial workers in their factories or unions, and by peasants in their various geographical districts. Then when the soldiers were demobilized, or returned from the front — about ten million strong, they likewise joined the Soviets in their various localities. These local Soviets then united into provincial, or governmental, Soviets, and finally into the Russian Soviets. Thus an organization was created which was the only one representing the people of the whole country in Russia. It was at first an organization of modern Socialist tendencies; so much so that when Lenine first came back from Switzerland and

Trotsky came back from the United States, and they sought an office or position of influence in the Soviets, they and their theories were rejected by the Soviets. The Soviets function as a true power of the government behind the ostensible government, co-operating with the Kerensky or Milukoff government. These Soviets may be dominated by any political party from time to time, theoretically, or may change their political complexion. It is a condition analogous, say, to this Assembly, or to the Congress of the United States. It is a certain organ of popular representation. If the Democrats come in here and have a majority, it is Democratic; if the Republicans do, it is Republican; when the Socialists do, it will be Socialistic. Now, this same thing applies exactly to the Soviets. It started out as a very moderate organization, or, rather, was dominated by very moderate organizations. Then, after a time, another party—the Bolshevist party—gained control, and the government of the Soviets is now under their control. Theoretically it may change to-morrow—the moderates, or some party more extreme than the Bolsheviks—may get into power. The Soviets have nothing to do with politics. It is the form of administration. It is the constitutional form of the government of Russia to-day. That is what it is.

By Assemblyman Harrington:

Q. You say they have nothing to do with politics? A. I say they have nothing to do with politics, just as I say that the Assembly of the State of New York have nothing to do with politics. It is not a Republican institution, it is not a Democratic institution, it is not a Socialist institution. It represents the people and, from time to time, is under such political control and domination as the majority of the people choose to give it through representation at any time. Now, when I say the Soviet Government has nothing to do with politics, it is precisely the same thing. It is a governmental institution and its politics is impressed upon it from time to time by the members that go to make up the Soviets, and who are chosen by the representatives, and may happen to be of any political complexion.

By Assemblyman Rowe:

Q. I thought you said they were administrative. As a matter of fact, they are legislative. A. They are both administrative and legislative. It is practically the same thing as a parliament in Europe is.

Q. If they are strictly administrative, there must be some higher power. A. I did not say they were strictly administra-

tive at all. I said it is a governmental institution, but the separation of powers is nowhere carried out as strongly as in the United States. In most European countries parliaments have legislative and administrative powers, and the Russian Soviets do.

Q. What constitutes the supreme power? A. Well, all power is derived primarily from the all-Russian Council of Soviets, which represents the delegates directly elected by the Soviets. This body, in turn, elects an executive committee of 200, which functions in intervals between sessions of the main body; and that executive committee elects the Council of Commissars, which is, say, a cabinet of ministers; and one is responsible to the other in their order.

By Mr. Conboy:

Q. How many does the Council of Commissars consist of? A. Seventeen.

Q. The Council of Commissars may be regarded as the supreme authority under the Soviet System? A. The Council of Commissars may be regarded as the closest approach to a cabinet of ministers in a modern parliamentary country.

This I would like to make clear: that the Bolshevik party originally started on its career in Russia as a social democratic party, a party very definitely opposed to individual action—to the anarchist philosophy. When the time came that the Russian people on the whole demanded immediate peace and distribution of land and all power to the Soviets, it happened to be the Bolshevik party which adopted these demands in its program, and it was for that reason, and for that reason alone, as far as I can see, that the Bolshevik party got the popular support and elected a majority of representatives to the Soviet.

Now, if the Bolshevik Party, I repeat, should fall into public disfavor, that would not necessarily mean the overthrow of the Soviets. That would simply mean that instead of Bolshevik, say the Social Democrats or the Social Revolutionists, or any other party in Russia, may take their place in the control of the Soviets.

Q. Mr. Hillquit, will you tell me again, if you please, what your explanation is of the reason the Bolsheviks got control? Why did you say the Bolsheviks got control? A. I said because they accepted and incorporated in their platform the general demand of the people of Russia, around October, 1917—the demands for immediate peace, for land for the peasants, and for the power—all power—to be given to the Soviets.

By Assemblyman Cuvillier:

Q. Have they got minority and majority parties there now?
A. Yes.

Q. What is the minority party? A. The Bolshevist party is the majority party.

Q. What is the minority? A. There are several minority parties. Principally they are the Socialist parties of other, and divergent, programs than the Bolshevists.

Q. What are their names? A. One is the Social Democratic Labor Party, known as the minority party, or Mensheviks — the Menshevik Party — one is the party of Socialist Revolutionists. Then there is a smaller group —

By Mr. Stedman:

Q. That is a liberal party, is it not? A. That is a Socialist party likewise; but it is an un-Marxian Socialist Party. Then there is the party, or group, of toilers, which is numerically weak now. Then there are other Socialist parties, all shot to pieces. One is the Constitutional Democrats, usually abbreviated as cadets; and one the Octobrists.

Q. You referred to the word "cadets" today. You referred, also, to cadets yesterday, in regard to the incident where there was some physical force used, in Moscow. Did you mean the same kind of cadets? A. No.

Q. Please distinguish, because the question was asked by one of the Committee? A. Why, the cadets I referred to yesterday were military cadets, or, as they are called in Russia, Youngers; that is, pupils of the military school in Russia. They were the ones who attempted a counter-revolution and were disarmed and sent home.

By Assemblyman Cuvillier:

Q. You mean hung or shot? A. No.

The Chairman.— Now, now.

By Mr. Stedman:

Q. Then the Constitutional Democrats were also called cadets? A. Were called cadets merely as an abbreviation of their party name.

By Assemblyman Evans:

Q. You said an un-Marxian Socialist? A. Yes.

Q. Can there be such a thing as that? A. Yes.

Q. What is it? A. An un-Marxian Socialist is a Socialist who believes in the ideals of Socialism— collective ownership of the instruments of production— but does not believe in class divisions, class struggles and other theories of Marx, such, for instance, as the surplus value theory.

Q. Something like state Socialism? A. No, something like higher Socialism.

By the Chairman:

Q. Now, will you explain to us about the Third Internationale, and how the Bolsheviki came to get control? A. I shall. Now, the Third, or Moscow, Internationale is for the time being very largely an idea. It does not represent the Soviet government, because it does not represent any single country or any government at all. It does not represent the party of the Bolsheviki, because that is a national party. The Internationale purports to be an organization of the Socialist parties all over the world. I believe I stated in my testimony yesterday that so far the Third, or Moscow, Internationale is an idea. It is the expression of dissatisfaction with the old guard in the Socialist movement throughout Europe. It is an attempt at realizing a more uncompromising, more radical international organization of Socialism. I say, it is an idea and an attempt, because so far it does not represent physically much more than the Communist party of Russia, with a few other parties, principally from the border States of Russia, where conditions are similar to Russia, but as far as the west European movement is concerned, it has so far not been represented on that Internationale, and does not form part of it. Neither the Central Empires, nor France, nor Belgium, nor Holland, nor the Scandinavian countries have been officially represented on it, and those parties that have expressed a sympathy with the Third, or Moscow, Internationale have also so far had no opportunity to participate in its deliberations, or to help fashion its platform, programs or rules, so that this Third Internationale is against something entirely distinct from the Soviet government. or from the Communist party in Russia.

The Chairman.— Who sent this out then, this proclamation to the proletariat? (Reading): “ Seventy-two years have gone by since the Communist party proclaimed its platform,” and so forth.

Mr. Stedman.— That is the Russian Communist Manifesto.

The Chairman.— Who sent it out?

The Witness.— Who sent it out? There was a meeting in Moscow. That is where the name is derived from which was attended by representatives of the Russian Communists or Bolshevists, also by individual members of several parties,—Switzerland, Roumania, then Ukrania, I believe, the party as a whole, and I think there were two persons who had been in the United States but had not been members of the Socialist Party here and did not claim to represent the Socialist Party who were also present, and a few more.

Mr. Conboy.— Who were the two persons?

The Witness.— They have been named. One was Boris-Reinstein of Buffalo, New York, who was a member of the Socialist Labor Party at one time, and the other was one Rutgers, who is a Dutchman, and who was, I believe, in this country a very short time, and during that time organized a group known as the Socialist Propaganda League. Those were the two representatives of some Socialist movements in the United States and they did not assume to act for their respective organization or any organization at all. They were present as individuals.

Assemblyman Cuvillier.— Do you know whether Bucharin was there from Russia?

The Witness.— Tchicherin? No.

Assemblyman Cuvillier.— He was in the United States?

The Witness.— No.

Mr. Conboy.— That name was Bucharin, wasn't it?

Assemblyman Cuvillier.— Bucharin, yes.

The Witness.— Yes, he was.

Assemblyman Cuvillier.— Was he one that came over from the Moscow Internationale, to represent the Moscow Internationale?

The Witness.— No, he did not come over to represent the Moscow Internationale. He went back to Russia immediately upon the outbreak of the Russian revolution and was in Russia at the time and did not come over for the congress.

Assemblyman Cuvillier.— Do you know him?

The Witness.— I don't think I do. I might have met him but I have no recollection of him.

Assemblyman Cuvillier.—Do you know that in the United States Senate yesterday in the testimony before the Judiciary Committee the United States Government charged that last fall there was interrupted a wireless message in London by Bucharin advocating the overthrow of the United States Government by force?

The Witness.—I don't know that. What do you mean, Mr. Cuvillier, by saying it was charged by the United States Government?

Assemblyman Cuvillier.—I will read it to you: "Bucharin mentioned in current news despatches as the signer of an inflammatory message which was intercepted in London and which urged revolution in the United States was in the United States in the latter part of 1917, Martens said. The witness said Bucharin was a friend of his and identified him as editor of 'Pravda,' the official organ of the Communist party."

The Witness.—And what is your question?

Assemblyman Cuvillier.—Do you know that gentleman,—do you?

The Witness.—I don't think I do.

Assemblyman Cuvillier.—Do you know he was here to represent the Soviet government of Russia?

The Witness.—No, he was here before any Soviet government in Russia.

Mr. Sutherland.—May I call your attention to page 279 of the printed record. You asked the witness who signed the Moscow Manifesto. On page 279 appear the names of five men upon the copy of this Manifesto, which was introduced in evidence. Near the bottom of page 279 are the five names. Perhaps the witness could tell us who those men are.

The Chairman.—I broke my own rule. I asked you a question which I shouldn't have done. My idea is in the regular examination of this kind Mr. Hillquit should have the opportunity of stating his position according to your line of questions and not be harassed by very many questions. At the close of the examination you will be subject to being questioned on them, so I rather owe you an apology. You may proceed in your regular way.

The Witness.— I am perfectly ready to take the ruling of the Chair but I am not personally disturbed by interruption.

The Chairman.— It results in endless discussion. Later these gentlemen can cross-examine you.

The Witness.— Now, I think I have stated the three propositions — the difference between the Soviets, the Communist or Bolshevik party, and the Moscow Internationale. May I then briefly state the attitude of the Socialist party of the United States to each of the three?

In the first place, when the Socialist party of the United States, in numerous proclamations, has expressed its sympathy with Soviet Russia, and the very reason proclamation has phrased it as a pledge of support to the workers of Russia in the maintenance of their Soviet government, we mean exactly what we say. Our sympathies are all and very definitely on the side of the Soviet government of Russia.

Now, I state briefly what we mean by our sympathies being on the side of Soviet Russia. We mean, in the first place, that we recognize Soviet Russia.

Mr. Conboy.— May I interpolate, because I do not think the last question has yet been answered. I think the question was asked about whom this Communist manifesto was sent out?

The Chairman.— I decline to permit it now. You can ask it later.

Mr. Conboy.— You asked it, Mr. Chairman, and it has not been answered up to the present time. Do I understand you withdraw it?

The Chairman.— Counsel called my attention to the names that were in the book. Proceed.

The Witness.— The basis of our sympathy with Soviet Russia is, in the first place, that we recognize Soviet Russia as a government of the working classes of Russia — of the underdog, if you want it. We recognize also that as such this government of Russia is engaged in a struggle, and a fierce struggle, for its existence. Opposed to Soviet Russia, in Russia, there are, or very largely have been, counter-revolutionary elements, whom we Socialists consider as pro-Czarists and reactionary. We mean those represented by Admiral Kolchak, by General Denekine, by General Yudenitch, and others; and we say, that in the struggle of this

kind, a struggle waged by the vast majority of workers and peasants in Russia, to maintain their rule against a number of counter-revolutionary pro-Czarist generals and admirals, and Czarist-reactionary supporters, our sympathies, and our moral support are undoubtedly with the peasants and workers, with the maintenance of their Soviet government.

By Assembly Cuvillier:

Q. In other words, you have a civil war over there? A. We have got a civil war over there, and our sympathies are with those whose ideals appeal to us more than the others.

Q. And you have got an army now superior to that of the other side? A. Oh, yes, at the present time. It is not a question of the army that determines our sympathies, but the Soviet government certainly has a superior army; but this is neither here nor there.

The Chairman.— I must insist on this Committee obeying my rules.

Assemblyman Cuvillier.— I beg your pardon, Mr. Chairman.

The Witness.— Only inasmuch as testing the question of the Soviet Government being workers of the peasants — the interjection of Mr. Cuvillier that it would not exist without an army is important. My answer to that is it would not exist without an army; but it is the only government that can maintain and raise an army. Kolchak and Denekine have failed.

Assemblyman Cuvillier.— Kolchak was shot.

The Witness.— That means, his failure. Being shot means his failure.

The fact of the matter is, counter-revolutionary forces have tried to raise armies, and have had large foreign support, and still have not succeeded, which to our mind is an indication that the popular sympathy in Russia is with the Soviet Government, and its struggles.

Another basis of our sympathy with Soviet Russia is this: We take the oft-repeated assurances of our government to the right of each people to determine its own destiny; we take it seriously. We say, as a matter of fact, the Russian people actually have the moral and political right to determine their own form of government; and they have chosen the Soviet form

of government. They have maintained it for two years or longer. Now, any such form of government could not be maintained that length of time unless it had the active, and to some extent, also the pacific acquiescence of the people. So, then, for that reason we sympathize with the Russian workers in the maintenance of the Soviet government, because it is a form of government which they have chosen to give themselves.

Then, we have another great reason for sympathizing with Soviet Russia. We believe, Mr. Chairman, that a great social experiment is going on in Russia now. We do not consider it as successful at this time, or as complete at this time, but we believe an effort is being made to change the basis of human relations to a higher, more human, more ethical plane. We believe that the country evolves painfully and slowly in that direction; but we have faith in the ultimate revolution of the ideal state of government, and existence in Russia; and we believe that such an evolution will only be possible if the Russian people are left alone; if they are allowed to work out their own destinies in their own ways; if they are not harassed in any way; then we believe that the result will necessarily be that the government will be stabilized; that it will become more sober, more realistic in contact with everyday problems, and that eventually it will work out an ideal form of Socialist society. At any rate, that it is making efforts in that direction,—hence again our sympathies with that Soviet government.

Now, then, our sympathies with the Soviet government express themselves in our absolute opposition to the policy of the allied countries, including this country, first, of intervention, of un-sanctioned, illegal war in Russia; and second, of the blockade. We say that the policy of these governments in financing counter-revolutionary movements in Russia, in supplying them with arms and munitions, and in some cases with men, without any declaration of war, without any definite demand, just because the sympathies of the ruling classes in these countries are with the counter-revolutionary movements in Russia, is unprecedented in history, unhallowed by our Constitution or laws, and absolutely indefensible from a human or ethical point of view; and say that the blockade instituted against Russia,—a blockade which has for its effect the starvation and death of hundreds and thousands of human beings, including defenseless women and children, the prevalence of epidemic and famine in a country like Russia, is

certainly a most inhuman method of waging war, particularly where no war has been declared,— a so-called pacific blockade is a monstrosity. A blockade in war is bad enough. A blockade in war has been attempted to be avoided by all the best forces, and the domain of international law, for many, many decades; but an effective blockade, such as has been maintained against Russia, is a monstrosity, which only our recent years could have evolved. We are opposed to it absolutely, and that is another basis of our sympathy with the Soviet government.

Now, then, having studied the grounds of our sympathy, and having made it clear that we are fully in sympathy with the Soviet government, so that there can be no charge that we retract from our declarations, we also in justice to the Committee and to ourselves want to make this clear, that sympathizing with the Soviet government as an institution and with the struggles for the maintenance of the Soviet government does not mean that we accept absolutely everything done by the Soviet government with approval, that we abdicate our own judgment. By no manner of means. We recognize that the Soviet government undoubtedly has made a great many mistakes, probably grievous mistakes. It would be a miracle, it would be an impossibility if it would have avoided all mistakes in the critical two and almost two and one-half years of its existence. We do not accept wholly the theories of Soviet government in every way, and least of all do we generalize them. In none of our proclamations have we said any more than this, that we pledge our moral support or our support to the Russian workers in the maintenance of their Soviet government. Why? Because we recognize that they have chosen to accept this form of government and they have a right to it. If an attempt is made to generalize it, to say that the Soviet form of government is good for all countries, including the United States, or that the Socialist movement here or elsewhere, outside of Russia, is committed to the Soviet form of government as part of the program — we dissent from it very emphatically. The cardinal principle of international Socialism is and always has been that every country must evolve such institutions as the economic and political and historic conditions of that country prescribe; that it cannot evolve any other conditions. The fact that Russia was peculiarly situated, that it was a country of peasants prevalently, that industries were absolutely undeveloped, that it was very backward industrially at any rate, that it had just

emerged from the reign of an autoeracy which had lasted for centuries, that this war had destroyed and ruined the whole country and turned it into a condition of chaos, the fact that Soviets had sprung up automatically as the only possible form of organization, management and control to preserve some semblance of order and civilization,—the fact that all that has occurred in Russia, does not mean to our minds that when we come to the United States, where the conditions are entirely different, where we have a country highly developed industrially, where we have a country with no peasant population, our farming population being essentially different in character from the peasant population in Russia, where we have a country accustomed to parliamentary political methods from its infancy, a country that has fought out all of its battles in the past in the political arena, a country with a population whose minds have been molded into political channels for all sorts of action — then to say that in a country like this a Soviet form of government would be proper would be to our minds infantile.

Assemblyman Cuvillier.—You don't think those human vultures would do that, do you?

The Witness.—I rely upon you, Mr. Cuvillier, to keep them out.

Mr. Conboy.—You have also promised the assistance of the Socialists in the United States for the same purpose.

The Chairman.—Now, let's proceed. I do not like these interruptions. Go ahead, Mr. Hillquit.

The Witness (continuing).—Now, then, I say that the Socialists of the United States have never expressed themselves as a Socialist party as in favor of the Soviet form of government in the United States. To avoid another misinterpretation, however, I will state this: That we do not consider, we Socialists, the present form of government in the United States, in all details, as absolutely immutable and good for all times and all conditions. We contemplate some changes in the form of government, or, rather, we believe that social development will bring about certain changes in the form of government. Now, for instance, if we Socialists should get into power, if we should have a majority in this Assembly and the State Senate and a representative in the Governor's Chair, and also in the Congress of

the United States and the United States Senate and the Presidential Chair, and so on,— If we go about it to introduce Socialism practically, take over the industries and operate them for the benefit of the people it will certainly require additional and new agencies of the government to enable it to perform these functions. For instance, during the war new functions were thrust upon the government and our form of government changed over night. We had a railroad administrator, we had a fuel administrator. Why, we had a food administrator to ration out our daily rations of food and so on. Our entire government was changed in every way. The old form of government really functioned less than the new organs thus created. In a Socialist state no doubt such new governmental functions will spring up and the form of government will adjust itself to it. We believe under a Socialist form of government the industrial side will be more important than the purely political side. The political end is only a means toward an end anyhow, whereas the economic side of our life is the substance of our life. Now, then, we do not want to be understood as saying that we Socialists do not contemplate or consider the possibility or desirability of changes in the form of government in the United States. We believe such changes will, or at any rate may, become necessary as economic conditions change; but we have absolutely no reason to adopt the Soviet form of government as the basis of any changes. On the contrary, we must adopt, we do adopt the existing form of government based upon the Constitution of the United States as the form upon which to build the future society and build upon it in accordance with the provisions of the organic instrument itself.

Assemblyman Cuvillier.— Mr. Hillquit, you said if the Socialist party got power in the state, and the Governor and Congress and President — would the Socialist party approve the appropriation of money for the Army and Navy?

The Witness.— When it comes to that point we will not need any armies or navies. When we have control of the United States government, we Socialists, and other countries, slaughter among nations will be abolished and you and I will be peaceful citizens, Mr. Cuvillier.

Mr. Sutherland.— His question was, meantime what are we going to do?

The Witness.— Meantime we are going to work in that direction by precepts and example. In other words, we are not going

to say that we will be for peace and we will slaughter the entire universe in order to obtain peace, but we are going to say we are for peace and we will not go into war.

Mr. Conboy.— Just what question are you addressing yourself to now, Mr. Hillquit?

The Witness.— To a question asked by Judge Sutherland.

Mr. Conboy.— I mean what you are about to answer.

The Chairman.— He is describing the difference between the Bolshevik regime in Russia and the Internationale.

The Witness.— I have given now the attitude of the Socialist Party of the United States toward the Soviet government. I will now say briefly that the attitude toward the Communist party or Bolshevist party in Russia is one neither of approval or disapproval. In other words, we take this position: The Socialists in the United States are not Bolshevists. They are Social Democrats of the Marxian type. The Bolshevists in Russia likewise are Marxian Social Democrats, but they have adopted a policy and tactics which they believe are appropriate at this time for Russia. Other Socialist parties oppose them and believe that such tactics are not proper for Russia. We support the government and the regime because it is in a fight at present. As far as their theories are concerned we say it would be purely academic for us Social Democrats in the United States or elsewhere to pass judgment upon them. Whether the policies or the methods adopted by them for Russia are proper or not history will demonstrate. It does not require our sanction or approval. Such sanction or approval or disapproval or criticism would be entirely gratuitous. Each one of you may have your views on it and you are welcome to them. We do not identify ourselves in principles, policies or methods with the Bolshevist party of Russia, nor are we on record as opposed to them or as criticizing their methods. It is simply not within our jurisdiction or domain.

Assemblyman Cuvillier.— The Socialist party adopted the minority report at the convention.

The Witness.— That is the Third proposition. As to that the Socialist party by majority vote has declared its adherence to the Third Moscow International. It has stated in definite terms that it does not do so without qualifications.

It has stated in definite terms that it does not accept the program and methods of the Moscow International unquestionably, but, on the contrary, that when we come there we will talk it over. Now here is the situation. All over the world the Socialist movement is becoming more and more discussed with the remnants of the so-called Second International. The soul of the Second International are those elements who most of us hold in execration during the war; I mean the Sheidemanns or the Noskes and so forth. They formed the backbone of that Second International and around them are grouped parties in other countries whose general policies are about the same kind — what we consider non-Socialist policies — the compromising with the opponents. They do not utilize the opportunities for socializing industries or introducing socialism in their respective countries; we believe they have become unfaithful to the International Socialist program. So then there is a strong tendency in every country practically to get away from that remnant of the Second International and to build a Third International and of late the definite direction has become to build such international on the basis of the beginning of the Moscow International. The minority party of Germany which consists of those German Socialists that during the later years of the war were opposed to it and voted against war appropriation,—that party; the principal party in France headed by Jean Lounguet who represents the majority; the whole of the Socialist party in Italy; very large portions of the Socialist movements in all the Scandinavian countries; in the Balkan countries also; in England also and now in the **United States**; they have all practically adopted the same decisions,—let us build a new international on the basis of the Third, or Moscow, International. What does that mean? That means at some time or another within a half a year or a year the representatives of all these countries will come together. Russia will be there, but only as one nation. The other nations will be there with overwhelmingly larger representation than Russia and they will come together and say “Now let’s agree upon a program and upon policies; what do we stand for?” And that will be the time when the true character of this Third International will be fully defined. The American Socialist Party has declared itself to be a part of this movement to reconstitute a Third International on the basis of a Moscow International. That is not an adoption or an

endorsement, either, of the Bolshevist Social policies or of the proclamation heretofore issued by the Third Moscow International.

I think I have covered this point.

By Mr. Stedman:

Q. I wish to ask you in reference to the Communist Manifesto — it has been read in evidence here and referred to by Mr. Collins, especially the latter portion quoted. Is that regarded as a platform declaration or declaration of the Socialist party position?

A. No, the Communist Manifesto of 1848 was framed by the two framers of modern Socialism, Carl Marx and Frederick Engels. It was an admirable work in its way and it is still very valuable as an exposition of what we call the theory of economic determinism in history and of the class struggle in history. As a practical program it has long ceased to be of any value, and the authors of the instrument — Marx and Engels, particularly Engels — have said so on several occasions.

You see, the manifesto was written in 1847 and it was published in '48, at a time when conditions all over Europe and America were vastly different from present conditions. There was really no parliamentary or popular political life in Europe anywhere. There were no Socialist parties anywhere. Socialists have not entered upon the political arena. The contentions of social revolutionists were those prevalent in these days, patterned principally after it, and the model — the phraseology and program — are very much affected by it. I want to say it was the authors of this manifesto — Marx and Engels, and particularly Engels — who were the first to comment upon this fact, and also were the first to encourage the Socialist movement all over the world, with regard to parliamentary and legal methods of action. Even under the anti-Socialist war, in Germany, Engels made this remark, "that it is peculiar that while our adversaries resort to lawlessness, we Socialists try to get healthy and red cheeks by conforming to the law and by adhering to legal methods of propaganda and action; so this Communist Manifesto has a great historical value and some scientific value; but no problematic value at this time.

By Mr. Stedman:

Q. Mr. Hillquit, I want to call your attention to the 1908 Socialist Party Convention, to the question raised over the

matter of religion. I may recall to your mind that Mr. Collins testified to your views on the subject of agnosticism? A. Mr. Collins testified somewhere that I had made the statement that 95 per cent of the Socialists were agnostics. As usual, Mr. Collins got this impression wrong. I did nothing of the kind. In the convention of 1908—the National Convention of the Socialist Party—the question of the Socialists' attitude toward religion came up for the first time. The committee on platform and resolutions brought in recommendations and a plank to read as follows: "That religion be treated as a private matter, a question of individual conscience." I was not satisfied with the wording of this plank. It seemed to me insufficient, and I offered a substitute to read as follows: "That the Socialist movement is primarily an economic and political movement. It is not concerned with the institution of marriage or religion." The debate revolved around these two planks. It was not a question, as Mr. Collins testified, between those who are in favor of a declaration of religion—that religion does not concern the Socialist movement—and those who took an entirely religious point of view. Mr. Collins said that the neutrals won by one vote. Now, that is altogether wrong. Both propositions before the Convention recognized that religion was a private matter, not concerned with Socialism. The wording was different, as I read. When the vote was taken, it was one in favor of my amendment, the other vote having been cast for the original proposition of the Platform Committee; but both the pros and the cons agreed that religion was a private matter and did not concern Socialism. In the course of the debate a certain delegate by the name of Lewis—Arthur Morrow Lewis—made what I call a rather anti-religious speech, and I replied to him and mildly called him down. I said this, in effect: "Assuming that Mr. Lewis has made a study of history, ethics or religion, and has come to the position of agnosticism, he has done so as such student of those sciences, and not as a Socialist. The fact that he happened to be an agnostic, or even if 95 per cent of the Socialists are agnostics, it would not make the Socialist movement as such anti-religious or pro-religious. Socialism had nothing to do with it. That was the contention between us. That was the difference; and I think with the exception of two or three votes, the entire Convention went on record as declaring religion outside of the social movement and having nothing to do with it.

By Assemblyman Evans:

Q. What is the distinction between the amendment you offered and the original plank? A. In my amendment I included the institution of marriage, which was not included in the first; and in the second I considered my amendment better explanatory. It said: "The Socialist movement is primarily an economic and political movement, and, therefore, is not concerned with the question of ethics, religion or marriage," and so on.

By Mr. Stedman:

Q. You may recall, Mr. Hillquit, Mr. Collins' statement in regard to your being pro-German? A. Well, I am not.

The Chairman.—Well, I think that is all you need to say about it.

The Witness.—All right, if the Committee is satisfied.

Mr. Stedman.—There was reference made to your position on the Liberty bonds.

The Witness.—Why, the statement was made that I advised against the purchase of Liberty bonds. I never did, either publicly or privately, advise against the purchase of Liberty bonds. While running for Mayor of New York City, in 1917, some newspaper reporter asked me the question whether I had bought Liberty bonds. I said I had not. I was asked why. I said that my position was perfectly clear; I was opposed to the war; I would not do anything voluntarily to support the war; I would fully comply with the law with reference to the war; in other words, I paid my taxes — my war taxes — but I did not voluntarily buy bonds. I never volunteered this statement, so it could not even have an indirect effect. It was a question asked and an answer given.

The Chairman.—The Chair does not care to take any more discussion about what people say in New York City about one another when they are running for Mayor.

Mr. Stedman.—Evidently you have been in politics.

The Chairman.—I have read the papers.

Mr. Conboy.—I think in view of that remark that the Committee is concerned with what people say when the United States are at war in regard to supporting the government. That was the question that was asked and the reply given, that he would not buy Liberty bonds.

The Witness.— I prefer to stand by my statement.

Mr. Conboy.— We stand by the record, both of us.

By Assemblyman Harrington:

Q. Was that question put to you by the representative of a Socialist paper? A. No, it was put to me by a representative, I am pretty sure, of the New York Tribune, which is a very enterprising paper.

By Mr. Stedman:

Q. Mr. Hillquit, are you the author of "Socialism Summed Up?" A. I am.

Q. That is a pamphlet that is perhaps most generally circulated by the National Organization, explaining every position on Socialist theories and programs? A. It was an attempt to summarize, very briefly, the Socialist party's position, its aims and methods, and was published and circulated very widely by the Socialist Party as such.

Q. The national organization? A. Yes.

By Assemblyman Evans:

Q. Mr. Hillquit, do you mean to say that the Socialist party of the United States recognizes the Communist Manifesto as a document in the literature of Socialism? A. No. I said as a program. It recognizes the Communist Manifesto as a classical historic work, which still has theoretical value on two propositions: One, the so-called economic interpretation of history; and the other the class struggle. But as far as its concrete program is concerned, it is absolutely and hopelessly antiquated and outlived.

Q. But it was the program at the time? A. Yes.

By Mr. Stedman:

Q. You were present at the time of the issuing of a proclamation and war program by the Socialist party, were you not?

The Chairman.— That was in December —

Mr. Stedman.— That was in April, 1917.

The Witness.— I was.

By Mr. Stedman:

Q. Have you any explanation in regard to that at this time? It rather states its own position. A. It is rather a general question, Mr. Stedman. The Socialist party assembled in St. Louis —

Q. I will put it differently: from anything said in the convention, and from its contents, do you understand that to be a declaration to obstruct the carrying on of the war by the government?

Mr. Conboy.— That is objected to upon the ground that the instrument speaks for itself.

Mr. Stedman.— I used the term “ obstructed ” in preference to “ opposition.”

The Witness.— The question involves that.

By Mr. Stedman:

Q. You were there during the entire proceeding, were you not? A. I was.

Q. And you were present in the committee which drew this declaration and war program? A. Yes, and I was one of the drafters of the instrument.

The Chairman.— What page is that on?

Mr. Wolff.— Beginning on page 453.

Mr. Stedman.— Let me ask you: from your knowledge of the proceedings of that convention, as one of the Committee on Platform, let me ask you whether you understood that to be a declaration against the government and the carrying on of the war in the sense of obstruction as against opposition?

Mr. Conboy.— That I object to as it calls for an interpretation of this witness of the language used at that time.

The Chairman.— It has been put in against him and he is entitled to give his explanation. The instrument speaks for itself.

Mr. Conboy.— They called for an interpretation.

The Chairman.— He may give his interpretation of it.

The Witness.— Well, I will say that as one of the framers of the instrument and one of the delegates —

The Chairman.— You can cross-examine on that.

The Witness.— I am thoroughly convinced that the intention in adopting that instrument was to advise opposition to the war upon which we had just entered, but opposition fully within the law and absolutely devoid of any element of obstruction in the sense of violating any law. It must be recalled, Mr. Chairman, that at that time the war psychology had not yet taken hold of the American people. We had just entered upon the war. It was no war resolution.

The Chairman.— This was after war was declared.

The Witness.— This was after war was declared, but before any war legislation was enacted, either the Selective Draft Act or the Espionage Law, or any other war measures. We were still in the general psychology of a people free to discuss all governmental measures without restriction, and to criticize public actions; and in drafting and accepting the St. Louis platform, we intended to state in strong, positive and impressive language our absolute and unconditional opposition to the war. We did not mean to proclaim then, or at any time, our intention to violate the law by obstructing the war; and if we had, we should have been ripe for the lunatic asylum, in issuing that broadcast, as we did; in other words, if we had announced we were going to break the law and obstruct the law, and we said so in black and white, and publish it throughout the country.

By Assemblyman Cuvillier:

Q. But you did not support the war, though? A. We did not voluntarily support the war.

By Assemblyman Evans:

Q. Mr. Hillquit, do you mean to say that if that convention had been held in 1918 instead of 1917, that you would not have adopted the same declaration and the same language? A. I would say definitely, Mr. Evans, that the language probably would have been very different.

Q. It is a very unfortunate declaration. A. I will say it was a declaration justified in its language at that particular time. It is hard to think back two years, or more than that. I would say that if we had made, at a time when the war fever was entirely ripe, as it was say a year later, or even half a year later, that no doubt that psychology would have communicated itself to us also, and our language would have been different.

By Assemblyman Rowe:

Q. But your action would not have been any different in supporting the war? A. Our actions would not have been different.

By the Chairman:

Q. This was a day after war was declared? A. It was.

Q. You are explaining your document, which you say you are the author of? A. One of the authors.

Q. What do you mean by this: "We, therefore, call upon the workers of all countries to refuse to support their governments in their wars"? A. Why, what we mean is this: we criticised the German Socialists very severely for supporting their government in the war. We criticized the Austrian Socialists very severely. We made an exception, to a large extent, for the French and Belgium Socialists in voting their war credits. Because the definite aggressors had been the Central Powers in this case. But what we said at that time was that the Socialist movement, representing also the labor movement throughout Europe, was committed against war; that if the Socialist representatives throughout the world in all belligerent countries had refused to vote war credits, there would have been no war, and that is precisely what we meant in this case.

Assemblyman Evans.—You didn't mean indirectly to apply to the American workers to refuse to support the government?

The Witness.—That would depend upon what you mean by support. We certainly wanted the American workers to support us in our anti-war attitude; I mean the Socialists. In other words, we meant first, before war was declared, to oppose the declaration of war. After war had been declared, we meant to support every movement for an early and speedy termination of that war.

Assemblyman Harrington.—The action of the Socialist party after the war was declared was purely a negative action so far as supporting this government?

The Witness.—I wouldn't say negative action. Our action was very positive in a way. First, as soon as war was declared, we demanded an immediate declaration of war purposes or peace terms, so as to enable an understanding between the parties in which the workers and Socialists of the world were a part.

Mr. Stedman.—That is, a statement of war aims?

The Witness.— Yes. We then demanded an opportunity to meet the Socialists and workers of all countries in a congress at Stockholm, where we expected pressure to be brought to bear upon the different governments in favor of a general democratic peace. Now, we did establish concrete, definite propositions, which were to determine the war, and it was for those that we sought to enlist the sympathy and the support of the American people and the American workers.

Assemblyman Harrington.— What did the Socialists do in a positive way to help the government ?

The Witness.— Well, when you say to help the government, you get first, please, the Socialist conception of it. A government to us does not mean the Cabinet ministers. A government to us does not mean any particular set of men who may happen to be at the head of government. When we speak of the government of the United States we mean principally the people of the United States represented politically. Now, then, our conception was that the welfare of the people of the United States demanded an immediate cessation of the war ; that every day of the continuance of the war meant suffering and distress to the American people, as well as to the people of the world. We considered it our patriotic duty to end the war as soon as possible, every day of an earlier termination counting as a great achievement. Consequently, our positive effort along the lines of our convictions was not the helping of the prosecution of the war, but to help in the termination of the war, and in doing that we took the position that we represented the true interests of the American people. I may add to that the Socialist party has not changed its attitude in this respect ; that in the light of the developments after the war we are more convinced than ever now that the war was a crime against humanity, and that all sane persons who really had the interests of the people at heart should have striven as we did strive, first, to prevent and then to end it when it broke out, and not to support it under the mistaken notion. We considered that patriotism, that is, the welfare of the people, demanded the cessation of the war.

Assemblyman Cuvillier.— If the American people had adopted your theory we would have been in a second Russian proposition, wouldn't we ?

The Witness.— Mr. Cuvillier, our theory was not for Americans alone—I refer you to the statement read by Chairman Martin

a moment ago—we called upon the Socialists and workers of all countries, not America alone.

Mr. Cuvillier.— You include this country? You are a citizen?

The Witness.— I am.

Assemblyman Cuvillier.— And you appealed to the citizens of this country not to obey the mandate of the United States?

The Witness.— I did nothing of the kind, Mr. Cuvillier.

Assemblyman Cuvillier.— All right, that is all.

The Witness.— You are easily satisfied.

Assemblyman Cuvillier.— You get my point.

By Assemblyman Rowe:

Q. What do you mean by defenses, active and public opposition to the war, demonstrations, mass petitions and all means within our power? What do you mean by “all means within our power”? A. We did not assume to exhaust all matters that could be lawfully used in opposition to war, but mention of demonstration and mass petitions. There may be other methods.

Q. You mean force and violence? A. By no manner of means. When we say “all matters within our means”—

Q. And “all other means within our power”. A. It certainly means within the right of legal power; within the power given to us by law. As citizens we have a right to oppose governmental policies, including war policies, and we may oppose them, as we stated here, by demonstrations and petitions; we may oppose them by other methods, for instance, by a movement to repeal certain laws.

By Mr. Stedman:

Q. May I call your attention here to a conference engaged in by Congressman Mason and several others, as to an incident not enumerated there, but which was made for the purpose of demanding that the President state the terms of peace, and that the fourteen points came out afterwards, at which you were present?

A. We proceeded in all these points upon the assumption that we had a lawful right to oppose the government, or majority policy, in favor of war. That was the constitutional right, and the right sanctioned by the traditions of American history, and we proclaimed our intention to take and maintain that position, and it

never occurred to us that any interpretation could be placed upon it that we may resort to illegal methods, simply because any person, or group of persons, who would attempt illegal matters in time of war, in the opposition to war, would be playing a very foolish game.

By Assemblyman Cuvillier:

Q. Debs and Berger played a very foolish game? A. Why, Brother Cuvillier, if you were—

Assemblyman Bloch.— Comrade.

The Witness.— Comrade Cuvillier, I should say, if you, with all your patriotism, should ever attain to the patriotic heights of Eugene V. Debs I would have a lot of respect for you.

Assemblyman Cuvillier.— If I did, I wouldn't want to be in jail like him for twenty years.

The Witness.— You wouldn't?

Assemblyman Cuvillier.— No.

Mr. Stedman.— It would be too high a price to pay for your patriotism.

The Chairman.— We had better stop now. The Assembly convenes at 12:30, and I think we had better adjourn now.

Mr. Stedman.— Before we adjourn I want to offer in evidence the pamphlet "Socialism Summed Up, by Morris Hillquit," and ask that it be printed as a separate Exhibit.

The Chairman.— It may be received and it is ordered printed as a separate Exhibit.

(The pamphlet was received and marked Assemblymen's Exhibit No. 3 of this date.)

(Whereupon, at 12:15 P. M., the Committee recessed until two o'clock P. M.)

AFTER RECESS (2:10 P. M.)

Mr. Stedman.— Take the witness.

The Witness.— Who takes me?

The Chairman.— Is this cross-examination?

Mr. Conboy.— Yes, this is cross-examination.

The Chairman.— Proceed.

Cross-examination by Mr. Conboy:

Q. Mr. Hillquit, suppose we start with the reference to the various acts and proceedings of the Socialist Party of the United States, or the Socialist Party of America, the terms have been used synonymously, and I take it that there isn't any difference between the two; that they are two names for the same organization; am I right in that assumption? A. The official name is the Socialist Party. They refer to it as the Socialist Party of the United States, or the American Socialist Party, it meaning the same thing.

Q. Referring to the acts and proceedings of the Socialist Party of America beginning with the sinking of the Lusitania, which takes us back to April of 1915 — May 7, 1915, you recall, do you not, the action taken by the party at that time? A. You mean the resolution adopted by the Socialist Party on that subject?

By Mr. Conboy:

Q. Yes, sir? A. In a general way.

Q. The Socialist Party in May of 1915, just after the sinking of the Lusitania, either assembled, or were assembled, in annual meeting; and they then, and from that annual meeting, addressed a manifesto to the American people. You recall that, do you not? A. I do.

Mr. Block.— You mean a meeting of the National Committee?

The Witness.— I do. That was a meeting of the National Committee of the Socialist Party.

By Mr. Conboy:

Q. I think I so put it, did I not? — A national meeting of the National Committee of the Socialist Party? A. Yes, sir.

Q. And where was that national meeting of the National Committee held? A. In Chicago.

Q. And were you in attendance? A. I was.

Q. And did you assist in the drafting of that manifesto? A. My recollection is that I did. If you will quote the wording I will tell you more definitely.

Q. I quote the last paragraph of it: "Let us proclaim in tones of unmistakable determination: Not a worker's arm shall

be lifted for the slaying of a fellow worker of another country; nor turned for the production of mankilling implements or war supplies. Down with war! Forward to international peace and the world-wide solidarity of all workers!" Is that language quoted from the manifesto, to refresh your recollection, as to whether you did or did not draft, or participate in the drafting, of the manifesto itself? A. My impression is pretty definite that I did participate in the drafting of the manifesto.

Q. Now, in the fall of that year there was held a meeting at a place called Zimmerwald; in the fall of that same year, 1915, there was held a meeting at a place called Zimmerwald in Switzerland. Zimmerwald is near Berne. Do you recall that meeting? A. I know of it.

Q. Who called that meeting? A. This meeting was called by a group of Socialists in several countries of Europe. It was not a regular meeting of the International Socialist Bureau or called by the Bureau, but a voluntary gathering of Socialists from various countries held on their own responsibility. I think one or two countries were officially represented, the Socialist parties, the rest came as individuals.

Q. It was held in what month of the year 1915, if you can recall? A. I don't recall the month.

Q. Would it refresh your recollection if I were to tell you it was held in the month of September, 1915? A. I should have no doubt in accepting your statement.

Q. Do you know whether or not that meeting was called by Lenine? A. It was not.

Q. Was he there in attendance? A. He was.

Q. There were representatives from Germany and Austria? A. Individual representatives from Germany and Austria; none from the Socialist parties of Germany or Austria.

Q. And there were two men who came from France? A. There were, in the same capacity not representing the parties but acting as individuals.

Q. Lenine himself purported to represent Russia? A. Lenine did not represent Russia.

Q. Did he purport to represent Russia? A. Certainly not. He might have purported to represent the Bolshevik party of Russia; whether he did or not I am not certain.

Q. And there was there in the conference a man named Azaph? A. Azaph; no.

Q. You know a man named Charles Edward Russell? A. I know a man named Charles Edward Russell.

Q. He is a Socialist? A. He was a Socialist; what he is now I don't know.

Q. He left the party on account of its war program? A. He did.

Q. A program was adopted at the Zimmerwald conference, was it not? A. It was.

Q. And yesterday I understood you to say you had a copy of it here. Was I correct in so understanding you? A. I think it is one of the documents printed in Walling's book on the "Socialists and the War," the Zimmerwald Program.

Q. Will you please produce it? A. With pleasure.

Q. Have you it? A. I was mistaken, sir; this book was published in 1915 and does not contain the Zimmerwald program.

Q. Have you a copy of the Zimmerwald program here? A. Personally, I have not.

Q. Has any one on your side a copy of the Zimmerwald program? A. Have you, gentlemen?

Mr. Block.— I haven't any. Mr. Lee may have one in his bag, but that is not certain.

Q. Do you recall the terms of the Zimmerwald program? A. Only in a general way. It was a program, or resolution, condemning in strong terms, the war, and the Socialist support of the war in such countries in which they supported the war.

Q. Did it not also authorize or suggest that the workers in every belligerent country should go on a general strike until their respective governments should be willing to sign a peace treaty? A. I have no such recollection.

Q. Is it your recollection that it did not? A. No, I would say that I have no recollection on that point either way.

Q. You have no recollection as to whether it did or did not either way? A. Correct.

Q. That we are in accord, that conference or meeting took place in the fall of 1915? A. Correct.

Q. And in April of 1916 the National Secretary of the Socialist party—on April 21st—met with the various translators, secretaries, and drew up a proclamation which was later submitted to the National Executive Committee for approval; it had to do with what was known as the U-boat controversy or warfare, isn't that true? A. I think it is.

Q. Who was the National Secretary? A. In 1916, you say?

Q. On the 21st of April, 1916? A. Adolph Germer.

Q. And who constituted the National Executive Committee to whom that proclamation, which was prepared by the National Secretary, with the translator-secretaries, was submitted? A. Well, I don't recall that it was submitted to the National Executive Committee. The National Executive Committee at the time consisted of John Spargo, John Work, Anna Maley, Victor Berger and myself.

My impression is that there also was, at a time, a sub-committee of the National Executive Committee, known as the Committee on Immediate Action, which consisted of fewer persons; and it was that Committee that acted on that resolution you have mentioned. I am not certain about it.

By Mr. Conboy:

Q. Who constituted the Committee on Immediate Action, or the sub-committee on Immediate Action? A. I think it was the National Secretary and John Work and Victor Berger.

Q. Did they report the proclamation which they prepared to the Executive Committee itself? A. That was the point on which I had no definite recollection. I could probably tell you by looking at your booklet.

Q. You may look at the booklet and tell me. (Hands booklet to witness). Now, the booklet which you have requested me to permit you to refer to is a booklet that was prepared by a Mr. Trachtenberg, who is the Director of the Bureau of Research of the Rand School for Social Studies, to which booklet a preface was written by you; is not that true? A. Yes.

Q. I take it, then, that inasmuch as you wrote the preface to the book, you were, at the time you wrote the preface, familiar with its contents? A. I was.

Q. The title of the book itself is what? A. "The American Socialist and the War."

Q. And it was a booklet that was gotten out by the gentlemen whose names appear upon the front page or cover, Mr. Trachtenberg and yourself? A. Why, I would not put it that way. It is a collection of documents published by the Socialist Party compiled by Mr. Trachtenberg. The booklet has an introduction by myself. As to the particular resolution to which you are calling my attention, I should say now it was not adopted by the National Executive Committee. I think it was adopted by the

Committee on Immediate Action. At any rate, it was a resolution for which the Socialist Party is responsible.

Q. And it was disseminated — if the date upon the cover of the book is evidentiary of the time when it was published — in the year 1917? A. That is correct.

Q. It not only contains the U-boat controversy, to which I have directed your attention; but it also contains the article to which I previously directed your attention, with regard to the Lusitania crisis? A. It does.

Q. And the paragraph in the proclamation adopted in May, of 1915, after the sinking of the Lusitania, which I read to you, being the concluding paragraph of that proclamation? A. It did.

Q. Now, as part of the cross-examination of this witness, I desire to read the manifesto, for which he says the Socialist Party was responsible at the time — by the way, before I start to read it — can you give me any approximate idea of the date, in the year 1917, when this booklet was published? I direct your attention in that connection because it may help your recollection in that respect, to the date at the bottom of the preface on the first page, under the signature of Alexander Trachtenberg, June 26, 1917. A. That was the approximate date of the publication of this booklet.

Q. I take it, then, that this booklet was published and disseminated sometime in the year 1917, subsequent to June 26th of that year; am I correct in that assumption? A. You are.

Q. Now, the war between the German Empire and the United States was declared on what date? A. April 6th, was it?

Q. April 6th. A. 1917.

Q. And what is known as the Selective Service Act was adopted when? A. Considerably later.

Q. If I supply you with the date will you accept it, Mr. Hillquit? A. Yes, some time in May, I believe, 1917.

Q. You are quite right. The date of the act is May 18, 1917. And the act known as the Espionage Act was adopted when? A. I think in August of the same year.

Q. Mr. Stedman suggests that it was adopted on the 15th day of June, 1917. Will you accept his suggestion in that respect? A. I will accept Mr. Stedman's authority.

Q. So as a matter of chronology this book was published and disseminated subsequent to the declaration of war, subsequent to

the Subscription Act and subsequent to the Espionage Act? A. It was.

Q. Now, I shall read this manifesto to which the witness has referred. (Reading): "The Socialist Party of America reaffirms its unalterable position against war." A. Opposition; its unalterable opposition.

Q. I presume opposition would be just as good. (Continuing reading):

"The Socialist Party of America reaffirms its unalterable position against war. More than a year ago this position was taken and it sees no reason now to change that position.

"In the present crisis it sees no reason for plunging our country into the ruin which is only too evident in the European countries. The workers of this country will bear the brunt of suffering if we engage in war.

"Had President Wilson warned Americans to keep off the vessels of belligerents, as Sweden has done in this war, and as England has done during the Russo-Japanese War, the present crisis would probably never have arisen.

"If diplomacy were conducted openly and aboveboard instead of being guarded by the utmost secrecy and guided by the will or whim of an individual instead of it being an expression of public will, misunderstandings between nations would be less frequent and the danger of war would be lessened. Had President Wilson conducted diplomatic relations openly, we would know the facts in the present case which are now denied us.

"We repeat the accusation that business interests of this country, bankers, the Wall Street gang, and especially the munition manufacturers, are not only interested in perpetuating the war in Europe, but are exerting their influence through every conceivable channel to the end that this country be plunged into the bloody maelstrom.

"Knowing these facts, we call upon all workers and those opposed to war to hold mass meetings and voice their protests in unmistakable terms, denouncing the attempt to stampede the people of the United States into a war that they do not want. We call upon the people to demand that this country keep its hands out of the European madhouse. We suggest and appeal that the workers as a measure of self-defense and as an expression of their power exert every effort to keep

America free from the stain of a causeless war, even to the final and extreme step of a general strike and the consequent paralyzation of all industry.”

The Witness.— You realize, of course, Mr. Conboy —

Mr. Conboy.— I have not asked you a question.

The Witness.— You have made that statement in connection with my cross-examination.

Mr. Conboy.— It was.

The Witness.— Then you realize, of course, that was adopted before our country entered the war?

Mr. Conboy.— I think every one understands when it was adopted, and when disseminated and published, because I have repeated the dates a great many times. I do not think there can be the slightest doubt or difficulty about it.

Mr. Block.— Mr. Conboy, your suggestion is not this was the first time it was published.

Mr. Conboy.— I am not making any suggestions.

Mr. Block.— This was published a year before the country entered the war, and republished in these pamphlets.

Mr. Conboy.— I am endeavoring to conduct the cross-examination of this witness.

The Chairman.— Proceed. The chances are we can read the dates.

By Mr. Conboy:

Q. Now, Mr. Hillquit, there was held in the following year, 1916, what was known as the Kienthal meeting; am I correct in that assumption? A. The Kienthal conference, yes, sir.

Q. The concluding language of this U-boat pamphlet or proclamation prepared on the 21st of April, 1916, suggesting that the workers, as a measure of self-defense, and as an expression of their power, exert every effort to keep America free from the stain of a causeless war, even to the final and extreme step of a general strike, and the consequent paralyzation of all industry, does that help to refresh your recollection as to whether at the Zimmerwald conference, held in the fall of 1915, shortly before

the U-boat document was prepared, also called upon the workers in every belligerent country to go on a general strike? A. It does not help my recollection at all.

Q. If it does not help your recollection at all, you have answered the question? A. I have not.

Q. I submit you have. A. You are asking whether or not a certain phrase in this resolution helps my recollection with reference to a certain provision in another resolution —

Q. And you have told me that it does not? A. I have told you it does not, and I want to give you my reasons why it does not refresh my recollection, because this resolution —

Q. I may be concerned about this a little later, but just at the present time I am much more concerned about the chronology of the events? A. I insist upon the right to give complete answers.

Q. If the Chairman does not think your answer is a complete one, he will so inform me and instruct you to answer to such extent as he may think your answer may be completed.

The Chairman.— We are liable to strike that a good deal in this cross-examination. Why don't you answer his question, Mr. Hillquit, and then Mr. Stedman can make a note and you can explain that later?

The Witness.— It will, of course, mean double time. We will have to go all over the field again.

The Chairman.— I think it will save time for the reason that you gentlemen will be getting into disputes. I think it will make a nicer record the way I suggest it.

Mr. Conboy.— I will be guided by the suggestion of the Chairman.

The Chairman.— You can make this explanation. I should prefer it the other way.

The Witness.— The reason why this provision does not refresh my recollection as to anything contained in the Zimmerwald or Kienthal resolution is because this resolution was adopted without any reference to any other existing resolution. Was adopted by the Socialist Party upon the assumption that a general strike to prevent war was perfectly legal and proper, in distinction, of course, from a general strike to paralyze the production of munitions when war is on.

Q. Now, have you concluded that explanation? A. I have.

Q. Then tell me who were present at the Kienthal conference that was held in 1916.

Mr. Stedman.— Where?

Q. I presume it was held at Kienthal. A. At Kienthal, which is another small place in Switzerland. Practically the same elements that were present at the Zimmerwald Conference. The Kienthal Conference was an adjourned conference of the Zimmerwald.

Q. And it was held in the year following the Zimmerwald Conference? A. It was.

Q. And about what month in that year? A. I don't recall.

Q. Did I understand you to say that it was held by practically the same men who held the Zimmerwald Conference, or, at least, that would be the assumption that we would draw from your explanation that it was virtually an adjournment of the Zimmerwald Conference? A. The Zimmerwald Conference, at the conclusion of its deliberations, appointed a sort of executive committee charged with the task of calling subsequent conferences and it was that committee that called the Kienthal Conference.

Q. And it was attended by Lenine? A. Now I am not quite sure whether Lenine was present at the Kienthal Conference. He was at the Zimmerwald Conference, I believe. He was also at the Kienthal Conference, I think, but I would not be certain about it.

Q. Were the two representatives from France that were present at the Zimmerwald Conference Anarchists? A. No. One was Bourderon who represented, I am quite certain, the trade union movement of France. He was, I believe, the Secretary of the General Federation of Labor, although he did not represent his organization at the conference. The other was Merrheim who also did not represent and organization officially as far as I know.

Q. Well, was he an Anarchist? A. No.

Q. Or what is known as a Defeatist? A. Well, he certainly was an opponent of the war.

Q. You remember the names of these men very definitely, do you not? A. I do.

Q. But you cannot recall whether the program adopted called for the general strike or not? A. I do not, Mr. Conboy.

Q. Now, the Kienthal conference also adopted a program, did it not? A. They did.

Q. Have you a copy of that? A. I have not. I will say that there will be no difficulty in securing copies, and we shall make every effort to get them.

Q. Unquestionably they can be obtained. My inquiry was only as to whether you had one available at this time. A. No, I have not.

Q. Do you know whether the Kienthal conference suggested that the workers in every belligerent country should go on a strike until their governments were willing to sign the Peace Treaty? A. I do not recall it.

Q. Now, subsequent to the Kienthal conference there was adopted what was known as a Presidential platform of the Socialist party of America, in the year 1916; is not that true? A. I think it was subsequent to the Kienthal conference. I would not be quite sure about it.

Q. And in the Presidential platform of 1916, adopted by the Socialist party, there occurs the following language — by the way, before I quote you the language, where was the National Convention of the Socialist party for the year 1916 held, if there was such a convention? A. There was no such convention. In the year 1916 our candidate for President was chosen by referendum vote of the members, and the platform, if adopted — my recollection is not very definite on the subject — might likewise have been adopted by referendum.

Q. Who prepared — A. Have you got that instrument?

Q. Unfortunately, no; I have not. So that it necessarily must be left to your recollection of the manner in which it was prepared. A. Why, the best of my recollection is that it was drafted by the National Committee of the Socialist party and submitted for approval to the membership of the party.

Q. That National Committee of the Socialist party consisted of whom? A. Consisted of members representing the different states on the National Committee.

Q. Who represented the State of New York on it? A. My recollection is that it was I.

Q. You were the representative of the State of New York on the National Committee of the Socialist party for the year 1916? A. My answer was meant to be just as it was, without any humor. My best recollection is that I was. You see, I had occupied a great many positions in the Socialist party, and whether or not at that particular time I occupied a position of National committeeman from New York, I am not quite certain about. I can re-

fresh my memory by referring to some instruments, but I believe I was.

Q. I think your best recollection will suffice for us at this time. If you find you are in error, of course the record may be corrected. Now, was there a platform committee of the National Committee of the Socialist party that drafted the platform for the year 1916?

A. Undoubtedly there was.

Q. Do you recall who were on that platform committee? A. I do not.

Q. Do you recall the language of that platform? A. I do not.

By Mr. Conboy:

Q. Suppose I direct your attention to the following paragraph (reading): "The working class must recognize the cry of preparedness against foreign invasion as a mere cloak for the sinister purpose of imperialism abroad and industrial tyranny at home. The class struggle, like capitalism, is international. The proletariat of the world has but one enemy, the capitalist class, whether at home or abroad. We must refuse to put into the hands of this enemy an armed force even under the guise of a 'democratic army,' as the workers of Australia and Switzerland have done.

"Therefore, the Socialist party stands opposed to military preparedness, to any appropriations of men or money for war or militarism, while control of such forces through the political state rests in the hands of the capitalist class. The Socialist party stands committed to the class war, and urges upon the workers in the mines and forests, on the railways and ships, in factories and fields, the use of their economic and industrial power, by refusing to mine the coal, to transport soldiers, to furnish food or other supplies for military purposes, and thus keep out of the hands of the ruling class the control of armed forces and economic power, necessary for aggression abroad and industrial despotism at home."

Q. Does my reading of those paragraphs from the Presidential Platform of the Socialist party of the year 1916 help to refresh your recollection with regard to the authority of it?

A. Except to this extent, that I can say definitely that I had no part in the drafting of it. It isn't my language and that I have no recollection of these particular paragraphs. I shall be very glad to look it up and make a very definite reply as soon as I can get an opportunity to verify it.

Q. I note that in the same pamphlet which you have already identified, the one that was disseminated sometime subsequent to the 26th of June, 1917, the platform from which I have read the two paragraphs I have just quoted to you is published on page 27 under the head of "The Socialist Party Platform of 1916." (Witness shown book.) That is true, isn't it? A. It is and in view of this fact I shall now state that these paragraphs you have read are from the Socialist Party Platform for 1916, the publication here in this pamphlet being only the excerpts dealing with war and militarism, not the entire platform.

Q. Of course, I assume that the foot-note correctly states or corroborates what you have just said in that connection? A. I assume so.

Q. That only those parts of the Socialist Party Platform for the year 1916 which deal with war and militarism are given in this book? A. That is correct.

Q. Then that was in the fall of 1916? A. I don't know that it was in the fall of 1916; it was prior to the election of 1916, but how long prior I cannot tell.

Q. Yes. Then in April of 1917 the United States entered the war? A. Yes.

Q. And a convention was then held in the city of St. Louis in the State of Missouri by the Socialist Party? A. It was.

Q. Was that a national convention? A. It was a national convention.

Q. And at that national convention a committee was appointed to draft what was known as the war proclamation of the Socialist Party, or war program of the Socialist Party of America. A. It was.

Q. And upon that committee were you one of those who sat? A. I was.

Q. I understand from your answer to an inquiry that was put to you upon direct examination this forenoon that you were one of the drafters of that war program? A. I was a member of the sub-committee appointed to draft it and as such took part in the drafting of it.

Q. That war program contained a sentence to which the Chairman directed your attention this morning and as a preliminary inquiry this war program was adopted subsequent to the time when the United States entered the war; that is true, isn't it? A. A few days later, yes.

Q. In that war program occurs this sentence: "We, therefore, call upon the workers of all countries to refuse support to their governments in their wars." Now, there were workers in the United States at that time, were there not? A. There were.

Q. The United States was at that time a government, was it not? A. It was.

Q. And the United States was at that time in the war, was it not? A. It was.

Q. It is true that that platform, or program, was adopted a few days after the declaration of war, and before the adoption of the Selective Service Act and the adoption of the Espionage Act, but it is contained, is it not, in this booklet to which you have already referred, which was published and distributed subsequent to the 26th day of 1917; I am correct, am I not, in that statement? A. You are.

The Chairman.—The 26th day of what?

Mr. Conboy.—June, 1917.

Q. And the same is true, is it not, with regard to the platform as distinguished from the war program of the Socialist party, is it not, Mr. Hillquit? A. In the sense, Mr. Conboy, that as far as the Socialist party is concerned, it adopted its platform and various declarations at certain given dates, bearing in mind the then existing conditions, and that subsequent, the Rand School of Social Science collated them all and published them all as a historical document, and circulated them as such. What I meant to say is that the Socialist party, as such, having adopted a resolution or platform at any given time had made its statement at the time and for the time was through with it. The booklet that you have was a subsequent publication, not by the Socialist party, but by the Rand School, of these documents.

By Mr. Conboy:

Q. Well, now, let us just inquire into the accuracy of some of those statements for a moment, Mr. Hillquit — not that I intend to suggest for a moment that you are intentionally inaccurate — was the war program of the Socialist Party of America submitted to the various units of the Socialist Party in the United States for adoption? A. Decidedly, and as far as the war program is concerned, it was intended for circulation after we had entered the war. I am referring, Mr. Conboy — I want to be perfectly frank with you —

Q. Mr. Hillquit, I have not intended to suggest that you want to be other than frank, and on the contrary, if you want a concession at any time about that, you can have it. A. Thank you. What I mean to say is that I had reference to the pre-war pronouncements of the Socialist Party. All those were adopted by the party in view of the then existing conditions, which were those of a country at peace. The program of the St. Louis convention, on the other hand, was adopted as a platform of the Socialist Party during the war, and was intended to be, and was, circulated after we had entered the war.

Q. The inquiry that I just put to you was designed to obtain from you the information that while the proclamation — the war proclamation, was formulated in April of 1917, a few days after we entered the war, it was thereafter submitted to the units of the party for adoption by referendum vote of the units? A. It was.

Q. So that we may assume may we not, Mr. Hillquit, that this war program, prepared after we entered the war, in April, 1917, at some subsequent time, was sent out over the United States for adoption by the various locals of the Socialist Party? A. It was.

Q. Now, can you give us any approximate idea of how long it took to distribute and disseminate that war program among the Socialist locals of the country? A. To submit — to allow the local organizations to discuss it and to vote upon it and make their returns to the national office — took probably several months, I should say three or four.

Q. Would you say, because I may as well indicate by the question I am asking you what the immediate purpose of my inquiry is, would you say that it was disseminated subsequent to the 15th of June, 1917, having been adopted in April, which would be only two months after its preparation? A. It was circulating at that time.

Q. Subsequent to the adoption of the Espionage Act? A. Of the Espionage Law.

Q. Now, after its circulation then the vote of the Socialist locals had to be taken upon it, and, in turn, returned to the National Headquarters, where, I assume, the vote is tabulated? A. That's right.

Q. And the National Headquarters is at some number in West Madison street in the city of Chicago? A. Was at the time.

Q. 903 — is my recollection correct? A. 803.

Q. West Madison street, Mr. Stedman?

Mr. Stedman.— Yes, sir.

Q. Now, the same thing was true, was it not, with respect to the platform as distinguished from the war program of the Socialist Party? A. Which platform — of 1917?

Q. Of 1917. A. It was.

Q. That also was prepared at or about the time that the war program was prepared? A. At the same time.

Q. And that also was distributed in the same manner, for the consideration and vote of the locals of the Socialist party? A. It was.

Q. And that also took, in the process of distribution and dissemination, some months, did it? A. It did.

Q. And in all likelihood it was in process of distribution after the passage of the Espionage Act? A. In all likelihood.

Q. Now, how many copies,—have you any idea how many copies of this war program of the Socialist party were distributed? A. I haven't any idea about the number, but you may safely assume that it was a large number, since the Socialist party, nationally and locally, distributed the instrument as part of its general propaganda.

Q. And was it the intent to place a copy of that war program and of that platform in the hands of every member of the Socialist party of America? A. It was.

Q. And so far as you know, that intent was realized, and that result was accomplished? A. Oh, not quite so, you see, upon the votes and at the meetings at which the vote is taken, the membership never attends to the extent of 100 per cent. If you get half, or less, the members to take up, discuss and vote on party propositions, it is a very high percentage.

Q. I think we have in the record two approximate figures as to the number of these programs and platforms that were distributed; one, I think, says there was a million of them, and the other fixes them as something approximately in excess of 500,000? A. I have no idea of the exact numbers, but I do know we distributed them very freely upon the assumption that it was legitimate Socialist propaganda, and lawful Socialist propaganda.

Q. Did you attempt to place it before others than Socialists? A. Before others than Socialists, as much as we attempted to place our general propaganda, before others than Socialists.

Q. And you are familiar, are you not, with those two planks in your war platform, one of which provides for resistance to conscription of life and labor, and the other to repudiation of war debts? A. As to the first, resistance of life and labor, I am very familiar with. I remember the clause. I remember that I thought and stated it was perfectly lawful at the time. As to the other, it was not adopted for circulation, and was included in the manifesto which we did circulate.

Q. It was included, however, was it not, in your war platform? A. I do not think it was. Will you let me see it, please?

Mr. Stedman.— Do you mean the platform or proclamation?

Mr. Conboy.— Yes, sir.

Mr. Stedman.— I can clear you on that. It was adopted originally by the membership and taken up by the executive committee.

Q. That is, if Mr. Stedman's explanation, or statement, helps to clarify your mind or recollection in that respect, it was originally written in as part of the platform, then sent out to the members of the Socialist party, and adopted by the Socialist party members? A. Right.

Q. And subsequently somebody struck it out?

Mr. Stedman.— The executive committee ordered it out. A. The proclamation of war program was printed in large quantities. I think about 750,000 copies.

Mr. Conboy.— What is your authority for that?

Mr. Stedman.— Page 563 of the printed testimony in the Berger record.

Q. Now, I notice, Mr. Hillquit, with reference to this controversy, if we may call it such, as to the elimination of that particular plank which demanded the repudiation of war debts, that it is still incorporated in what is referred to as the Socialist party platform as article No. 7, under political demands, published at page 377 of the American Labor Year Book, the copy of which is furnished to me from your side of the table, and it is a document edited by Alexander Trachtenberg, published by the Rand School of Social Science, and bears copyright date of 1918, apparently. Therefore, I am going to give you opportunity of telling me when it was eliminated — apparently, when this book was published, because I cannot see, from any cursory read-

ing of it, that there was any elimination of that particular plank reported herein; apparently in 1918, when this book was published, that was still a part of the socialist party platform.

Mr. Stedman.—Mr. Chairman, may I direct counsel to one of his own exhibits. He will find the testimony that it was adopted when that was circulated, and it is in your own evidence.

Mr. Conboy.—Suppose you indicate it on the record, Mr. Stedman.

Mr. Stedman.—I will in a few minutes. It was in Adolph Germer's testimony. I will find it in a few minutes.

The Witness.—My memory is pretty good on that subject, Mr. Conboy. Your conclusion that because it was printed in the year book of 1918, it was then in force, that conclusion is erroneous. The only explanation I can make for the appearance of this alleged platform in the year book is that its editors or compilers probably got hold of a copy of the platform submitted for the referendum and reprinted it. I will state definitely that the platform adopted and circulated by the Socialist party, and given out as such, never contained that clause, because the clause was eliminated by the National Executive Committee, and a question of doubt having been raised as to whether or not that clause would be legal —

Q. Would be what? A. Legal or not — upon that doubt — and I do not say that we were convinced that it would be illegal, but upon the doubt expressed, the national executive committee adopted that clause and never circulated the platform as such with that clause in it.

Assemblyman Cuvillier.—It was approved of by the Socialist party.

The Witness.—It was approved by the Socialist party on referendum.

Assemblyman Evans.—Has the National Executive Committee got the power to strike out something adopted by referendum?

The Witness.—The National Executive Committee took upon itself certain powers in order to bring its proceedings within the conditions and the laws imposed by the conditions. For instance, in this case and in several cases it suppressed proposed referendums which it had no right to suppress, because it held that the

proposed referendum would violate one of the wartime laws. They simply took the position that it had an inherent power of suppression of anything that would bring the party in conflict with the law.

By Mr. Conboy:

Q. Can you tell me offhand — perhaps Mr. Stedman can supply me later if you cannot tell me now — where any public publicity was given to the elimination of the war debt repudiation plank in the Socialist platform? A. Why, I don't know that any publicity was given to it except the implied and very definite publicity of the platform itself, omitting the clause.

Q. Have you got any place a copy of the platform as published from which that clause is omitted? A. I think we can secure it for you, Mr. Conboy.

Q. If you can you will, will you not? A. Certainly.

Assemblyman Blodgett.— Does the Executive Committee now have power to strike out the minority report of 1919 and substitute the majority report? A. No. I want you to understand my former answer. I did not say the Executive Committee had the express power to reject anything that the membership voted on. We took that power upon ourselves upon the assumption that we had a right to prevent any expression which would bring the party in conflict with the law. If we had thought that the adoption of this minority report would bring us in conflict with law, the National Executive Committee would probably proceed in the same way.

What section or article did you have reference to?

Q. It is under what was known as Political Demands and I think it is sub-section 7 or 8. Six is the provision which directs resistance to conscription of life and labor, and the following one is the one which directs repudiation of the war debts. A. Then my answer is that both these clauses were eliminated and in compliance with your request for the production of a copy of the platform with these clauses eliminated I now produce a copy of the platform regularly circulated by the Socialist party in conjunction with the constitution of the party (handing book to Mr. Conboy).

Q. Do you know when this was prepared? A. This was prepared immediately after the adoption of both constitution and platform by referendum vote.

Q. This book that you handed me was supplied to you by Mr. Block, of counsel? A. It was.

Q. Yes. And it purports to contain the Socialist platform which was adopted by national referendum on the 24th of July, 1917? A. Yes.

Q. Was that the time when the Socialist platform was adopted by referendum? A. It was.

Q. Now, do you care to change your testimony with respect to the statement that you made — just let me finish this question, Mr. Stedman, and then you can ask yours.

Mr. Stedman.— I am going to read part of your evidence.

Q. (Continuing) — with respect to the statement that you made that on the referendum the provision or plank for resistance to conscription of life and labor and the plank with regard to repudiation of national debt were approved by the majority vote of the members of the party? That question is a little involved. A. I don't quite understand it.

Q. You are not to be blamed for that. What it means is this: were those two planks in the platform when it was submitted to the members of the party and adopted by such members? A. My impression is that they were in the draft submitted to membership for vote.

Q. And that they were adopted by the members? A. And that they were adopted by a majority of the members.

Q. And that they were subsequently cut out by the executive committee? A. That is my impression.

Q. Is that substantially correct, Mr. Stedman?

Mr. Stedman.— Page 1203, Exhibit No. 69, Germer's testimony: "In reference to the platform adopted by the convention at St. Louis, there were one hundred thousand of these printed. We adopted Sections 6 and 7 and destroyed about 75,000 copies of it." Defendants offer in evidence Defendant's Exhibit No. 77, etc.

Q. Was that reprint and destruction of the prior existing copies after the adoption by the referendum vote?

Mr. Stedman.— It was after.

The Witness.— Yes.

Mr. Stedman.— I may say that your amended Espionage Law was in August and that provision for the bond section, which was not in the original act.

By Mr. Conboy:

Q. I take it that we have the facts as you have them, Mr. Hillquit, on the record at the present time? A. Suppose we summarize it, so there may be no mistake on the record?

Q. Yes. A. The St. Louis convention of the Socialist Party, held in April, 1917, adopted its entire war resolution and also its regular platform. The platform, among the political demands, contained the two provisions you mention: one for resistance against conscription of life and labor, and the other for repudiation of war bonds. By the time —

Q. It was not limited to war bonds. It said "War debts"? A. Yes.

Q. But, of course, that would include bonds, would it not? A. Yes, it would include bonds. These provisions were submitted to the membership and returned toward the end of July, 1917, with a majority of the votes in favor of both propositions.

Q. That is, both of these planks that you have referred to? A. Yes, sir; six and seven. Very shortly thereafter, the Espionage Law was amended, and under that amendment of the Espionage Law, the members of the National Executive Committee of the Socialist Party conceived a doubt as to the legality of both planks, and thereupon ordered them eliminated from the platform, and the printed platform and stock on hand, containing those provisions, physically destroyed; and thereupon the platform was circulated, and is being circulated, with these two points eliminated.

The Chairman.—But that manifesto, adopted at the same time, contained these words: "We pledge ourselves to oppose with all our strength any attempt to raise money for payment of war expenses by taxation of the necessaries of life, or issuing bonds which will put the burden upon future generations." That was the situation?

The Witness.—Well, that we accepted and that we adopted, and that we advocated all through to the very end, as being the proper Socialist position.

By Mr. Conboy:

Q. Then I take it that your reason for eliminating from your platform your call upon your party members to resist conscription of life and labor and repudiation of war debts was, as you

have explained, because you were somewhat in fear of the consequences under the Espionage Act as amended? A. I have not said that we were actuated by fear of consequences. What I did say was that the Socialist Party, through its executive committee, was anxious to keep its propaganda within the law; and since conscription had been adopted after the adoption of this resolution, and since the Espionage Law had been amended with respect to Liberty bonds, or war bonds, the executive committee conceived a doubt as to the legality of both provisions, and, therefore, ordered them stricken out.

Q. So it was a matter of legal expediency with you to avoid the possible consequences of prosecution under the provisions of the Espionage Act as amended? A. It was nothing of the kind — pardon me — you asked for my reasons. The Socialists have never shrunk from taking any consequences that would follow an expression of their conviction, but the Socialist party has always taken the position, and also in this case, that it will conduct its propaganda in accordance with the law and by legal methods, and that they will avoid any illegal methods, and because the question of legality arose, the National Executive Committee ordered it stricken out — not for fear of consequences, not for political expediency, but because of its desire to keep within the law.

Assemblyman Cuvillier.— Do you think the proclamation came within the law?

The Witness.— Absolutely, Mr. Cuvillier.

Q. I understand that Mr. Hillquit thinks that everything that the party did, and did and subsequently erased, came within the law; but was any question of patriotism involved in the first instance; was there any suggestion of loyalty about the demand for resistance to conscription before the Espionage Act was passed? A. Decidedly. There were more patriotic speeches made in the St. Louis convention than anywhere else that I know of, except, of course, that the brand of socialist patriotism is not the brand of democratic or republican patriotism.

Q. Despite those patriotic speeches, the platform was nevertheless adopted, and it was only after the Espionage Act was amended, as you suggested, that these two planks were eliminated? A. It was not despite the patriotic speeches, as I termed them, that the platform was adopted, but largely because of such truly patriotic speeches that the platform was adopted.

Q. Now, then, from your explanation in that respect, I would gather the impression that you regarded those two planks in the platform as originally adopted as patriotic manifestations of the Socialist party of America? A. If the majority of the people of the United States had not definitely said by enactment of statutes, that such expressions are prohibited, we should consider and I should say that now in the abstract, regardless of the law, I should consider, as an ethical proposition, that both those propositions are highly sound.

Q. And patriotic? A. Patriotic.

Q. Very good. A. Pardon me. When you ask whether patriotic or not, you call for a state of mind. We considered it highly patriotic for these reasons. We think that the war bonds with which the entire world has now been swamped creates a condition by which a favored minority of bondholders have acquired a mortgage upon the lives and toil of the fellow men for this generation, and generations to come. We consider it would be a highly patriotic and humane act to wipe the table clear of any such debts, and let the generations to come be born without bondage to the bondholders; and with reference to conscription we also consider that conscription of life for the purpose of destroying life is an immoral remnant of savage institutions, and that it would be a highly patriotic act for the citizens of any civilized country to wipe that out.

Q. Now, I take it, that these expressions which you have just given us are not stated for the first time here; you probably announced them during the time that the war was on? A. We have announced them until such time as we conceived the doubt as to their legality in view of the newly enacted laws at that time.

Q. That is, you announced them up to the time that you thought you would run afoul of the law if you announced them? A. Why don't you let me put my own thoughts in my own language?

Q. Am I stopping you? A. We consider that so long as we were allowed by law to hold those convictions, and those convictions were honestly ours, that we had not only a right, but a duty to express them; but when the law said we had no such right, we bowed to the law, under protest of course. We considered it unwise, improper laws, but the laws were there.

Q. Now, you were a candidate for office in the city of New York in the fall of that same year, 1917? A. That is my recollection; yes, sir.

Q. Did you utilize either the war program of the Socialist Party or the platform of the Socialist Party of that year as part of your campaign literature? A. You mean whether the Socialist Party distributed either or both during my campaign?

Q. Well, I did not ask you the question that way. A. Well, personally I did not utilize any.

Q. Well, then, did the Socialist Party, to use the question that you framed, did the Socialist Party distribute that literature in your campaign? A. I think that literature was distributed along with other campaign literature in 1917.

Q. I direct to your attention a letter introduced in the record yesterday morning, published in the New York Call, of date November 26th, 1919, signed by Alexander Trachtenberg.

Mr. Stedman.— What part do you refer to?

The Witness.— They will come to it.

Mr. Conboy.— Will you just read that question?

(Question read by the reporter).

By Mr. Conboy:

Q. First of all, I ask you if he is not the same man who I have referred to before as being the director of the Bureau of Research of the Rand School? A. The same man.

Q. And the man who compiled that history of the activities of the American Socialists during the war to which you wrote the introduction? A. The same man.

Q. He is a Socialist, isn't he. A. He is.

Q. And a member of the Socialist party? A. He is.

Q. And the fact that he occupies the position as Director of the Bureau of Research in the Rand School I should assume, but I may be mistaken in that assumption, that he is a man whose opinions or whose statements with regard to a history of socialism in the United States would be entitled to some weight? A. Some weight, undoubtedly.

Q. Yes. Now, in this letter which, Mr. Stedman, I am reading now from the typewritten copy of the record of yesterday's proceedings and from page 2436, Mr. Trachtenberg says this:

“By its past record,” and he is referring to the record of the Socialist party of America —

The Witness.— Yes.

Mr. Conboy.—“The adoption of the Zimmerwald program in 1915”—how did the Socialist party of America adopt this Zimmerwald program of 1915 that you have told us was made up of these nondescript and heterogeneous gatherings of individuals at Zimmerwald? A. Why, in the first place, I wouldn't want it on the record, to appear as if I ever stated that it was composed of nondescript and heterogeneous elements. I said it was composed of dissenting Socialists from the different countries who, in the majority of cases, did not represent organization.

Q. Is Mr. Trachtenberg correct in his statement appearing in the New York Call in the letter to which I have referred and at the page to which I have directed attention? A. Yes, I understood your question, Mr. Conboy. This was merely preliminary. I say he is not correct in his facts. The Socialist party of the United States at no time adopted the Zimmerwald program. The Socialist party of the United States, however, did declare its adherence to the Zimmerwald conference.

Q. I didn't get, in my effort to indicate the place in the record to Mr. Stedman, I didn't get your last statement. Will you read it?

(The answer of the witness was read by the reporter.)

Mr. Stedman.—I do not understand that in this it says so. It says: “By its past record the adoption of the Zimmerwald program in 1915”——

The Witness.—That is what Mr. Conboy refers to.

Mr. Stedman.—The entire paragraph doesn't seem to indicate that they endorsed it.

The Witness.—I think Mr. Conboy is correct in his interpretation.

Mr. Stedman.—I think he isn't.

Mr. Conboy.—I think I will side with you, Mr. Hillquit, in this controversy.

The Witness.—I think you interpreted Mr. Trachtenberg correctly.

Mr. Conboy.—I think you are right about that.

The Witness.—Yes.

Mr. Stedman.—Now, you two have agreed on something.

By Mr. Conboy:

Q. Now, you say that the Socialist party of America did adopt something that was done at Zimmerwald, and what was it? A. Declared its adherence to the Zimmerwald conference in about the same vein as it now has declared its adherence to the Third Internationale. That is, practically has declared its separation from the old elements of the Socialist movement in Europe.

Q. I take it that that declaration of adherence to which you have just referred, is contained in some document issued by the Socialist party of America? A. It is contained, if I am not mistaken, in the resolution adopted by general vote; some local organization moved or resolved that the Socialist party adhere to the Zimmerwald conference; that received the requisite number of seconds; was submitted to the membership and voted for by a majority, and therefore became the act of the party.

Q. Now, then, Mr. Trachtenberg goes on to say: "The support of the Kienthal manifesto in 1916"—are you in agreement with him that the Socialist party of America supported the Kienthal manifesto in 1916? A. I don't know of any official acts of the Socialist party in support of the Kienthal conference, unless it is, Mr. Conboy, I am not certain about it, unless the general vote I am referring to took place after the holding of both the Zimmerwald and Kienthal conferences related to both. I am not sure about that.

Q. Then the third monument or milestone in Mr. Trachtenberg's journey along the way of socialism since 1915 is the adoption of the St. Louis resolution in 1917, and (reading): "The general position of the party and the sentiment of the rank and file throughout the last five years,"—and from the adoption of the Zimmerwald conference and support of the Kienthal manifesto, the adoption of the St. Louis resolution in 1915, he reaches the conclusion that, "the socialist party could not do anything else but ally itself with those socialist groups, who have, like itself, remained steadfast to the revolutionary and internationalist spirit of the socialist movement." A. I think his conclusions are correct, although his facts are not altogether so. It hurts me to criticise Mr. Trachtenberg, but that is my position.

Q. At any rate, I take it that you would pay tribute of sincerity to him in that he unquestionably believed what he wrote? A. Undoubtedly.

Q. And you differ with him as to what he wrote, is that correct? A. The actual facts, yes.

Q. Now, you have given us some names of those who attended the International Socialist Bureaus at Brussels at the semi-annual conventions that were held in each year; did Rosa Luxemburg ever go to those? A. Yes.

Q. And Carl Liebknecht? A. No; Rosa Luxemburg represented Poland. Carl Liebknecht did not represent anything in the Bureau. He was not a member of the Bureau.

Q. Do those men who sat in the International Socialist Bureau, and who have since become members of the cabinets of their countries, are they men who opposed their countries in the war? A. Why, in different cabinets, there are those who supported and those who opposed. The cabinet of Russia, for instance, there are persons who opposed the war. In the cabinet of Germany there were some who opposed and those who supported, but they were afterwards eliminated, only the supporters have been left.

Q. Let us take names of those to whom you refer; in Belgium, Camille Huysmans, did he support his country during the war? A. Camille Huysmans was in no definite position from which it could be said whether he did or did not. He was a deputy of the Belgium Parliament, but the Parliament did not sit since the war in Belgium, so that he had no occasion to vote one way or the other. He did not occupy any position in the administration of Belgium. He did, on the other hand, make strenuous efforts to bring about the Stockholm conference, to bring about a termination of the war at an early date, so that from that you can infer as to his attitude on the war.

Q. No, I cannot infer it at all. I would like to have you tell me whether he did or did not support his country during the war. A. You would have to define first, what you mean by supporting his country. He advocated an early peace all around. I think it was in support of his country.

Q. Do you know whether he supported his country in its war program, to bring about a successful termination of the war from the standpoint of Belgium? A. I do not think that his position was one of the Bitter Enders; that he attempted to bring about a condition in which the Central Powers would be definitely defeated. I think his efforts were in the direction of a speedy general peace by negotiation.

Q. Can you tell us whether he would be classed as a man who supported his country during the war? A. It all depends upon who does the classing.

Q. Well, suppose I did the classing. A. I presume you would consider a person who supported his country blindly — blindly followed his government, right or wrong,—

Q. Make that assumption and apply it to the case of Camille Huysmans. A. I do not think that he would then be considered as supporting his government as you would so define it.

Q. Did he attempt to hamper or obstruct his government during the war? A. No more than any Socialist in Belgium or the United States.

Q. He did no more? A. No more than any Socialist in Belgium or the United States.

Q. Did he do any less in hampering or obstructing his government?

Mr. Stedman.—I object to that. That assumes he did hamper it.

The Witness.—Mr. Conboy wanted information. What I am giving you, Mr. Conboy, are the facts. The facts are, as I say, that Camille Huysmans was a part of an international movement which had for its object the bringing about of a speedy peace. He was at the same time a very patriotic belligerent.

Q. Vandeville was a patriotic belligerent? A. Decidedly.

Q. Did he support his country during the war? A. Mr. Conboy, I shall decline to answer your question in its form. If you will ask me for acts, I will tell you whether he did or not.

Q. There were certain men in the Socialist movement who were known as pro-war Socialists? A. Yes.

Q. And who were so described in Manifestoes issued by the Socialist party of the United States? A. Yes, sir.

Q. Whom did you refer to as pro-war Socialists? A. Well, the majority Socialists of Germany, the Socialists of Austria.

Q. Secondly? A. Also, secondarily, the Socialists of France, Belgium, and a few of them in Great Britain, who were generally described as Bitter Enders. We made this distinction, while we absolutely condemned the majority Socialists of Germany and the Socialists of Austria for the support of their government in the war, we did not condemn the French or Belgium Socialists for supporting their governments; but we did condemn those French and German Socialists who had turned Jingoës, and who demanded a war to the bitter end instead of standing for a speedy, democratic negotiated peace.

Q. Now, when did you make that distinction between the so-called Bitter Enders and the others? A. Why, I think we made it pretty clear in all discussions in which the question was involved — would you let me have this little booklet, please? (Mr. Conboy hands book to witness.) Mr. Conboy, in my introduction to the little booklet which you have used so often in this examination, the following appears:

“This attitude” — the attitude of the American Socialists in opposition to war — “need not necessarily imply an equal condemnation of all warring governments or of all methods of warfare or an indifference to the outcome of the war and to the terms upon which peace will be concluded. Socialists may well recognize that Germany was primarily responsible for the immediate outbreak of this war; that her conduct of the war has been unusually ruthless, and that decisive victory of German arms would be harmful to human civilization and social progress.”

Now this, I submit, is a clear attempt at discrimination between the two sides.

Q. Well, let us see if we can apply it as we go along to these men whose names you have mentioned. Jean Jaures was killed before the war began? A. Yes.

Q. So we can eliminate him? A. We will have to.

Q. Jules Guesdes — was he a supporter of his country during the war? A. Why, he became a Cabinet Minister; but I do not think he was a Bitter Ender.

Q. Well, being a Cabinet Minister in a government that was at war would indicate that he was endeavoring to support his government, would it not? A. Every Socialist, I think, supported his government.

Q. Do not be quite so sweeping in your answers. We may have some doubt about that. A. I have none.

Q. I have no doubt you have none; but suppose you stick to Jules Guesdes? A. You have asked me a question. You asked did Jules Guesdes support his government, and my answer to that is in order to avoid any false implications that he, as well as the Socialists on the other side, did support their government and the people in their lights. You see I absolutely must refuse to accept your test.

Q. I understand that; I do not want you to accept my test. I will accept it for myself. I cannot impose it upon you, but you will understand what I am referring to, that is, I am using my

own test when I ask you if he supported the government in the war; did he, according to my test, support his country in the war? A. His position was that France never wanted a war and they were forced in the war, and was invaded, and had not only the right but the duty to defend itself. His position further was that finding itself in the war it became the duty of all far-seeing intelligent Frenchmen to bring about a speedy general peace by negotiations.

Q. And now, that is the best answer you can make to the question I asked you with regard to that? A. Yes.

(At 3:45 p. m., a recess was taken until 4 o'clock.)

AFTER RECESS — 4:05 P. M.

The Chairman.— Proceed.

By Mr. Conboy:

Q. Mr. Hillquit, do you know when the provision in the constitution of the Socialist party of America was adopted that virtually prohibits members of the party voting for any appropriations for military or naval supplies? A. My recollection is, that in one form or another it always has been in the constitution of the Socialist party.

Q. Do you know how long it has been in its present form? A. In the present wording, I cannot say offhand.

Q. Do you know when the present provision was adopted in the language which is now employed in the constitution? A. It certainly antedated the war, but I cannot give the exact date.

Q. Now, the two representatives whom you referred to in your direct examination — August Bebel was dead before 1914, was he not? A. He died in 1913.

Q. Carl Kautsky — what was his stand in Germany with respect to the war? A. He advocated voting against war budgets from the very beginning, first, in the caucuses of the Socialist representatives in the Reichstag, of which he was not one, and subsequently in the press.

Q. And his attitude was anti-war throughout? A. Yes.

Q. Was he in sympathy with the attitude of Carl Liebknecht in that connection? A. Why, I think Carl Liebknecht was more

extreme than Carl Kautsky; but they were both opposed to war and to war appropriations.

Q. Have any expressions of opinion on Kautsky been given out in America since the war? A. Yes.

Q. Did they approve the stand you took of the position? A. They decidedly approved of his stand in the position of the war in Germany.

Q. In Austria, Victor Adler, did he support his government in the sense in which I would understand that expression? A. I shall on all occasions, Mr. Conboy — we might as well save time, decline to accept that formula for my answers. I can give you the facts in each case. With reference to Victor Adler, he was an editor of a Socialist principle paper in Austria. He was also a member of Parliament, but the Austrian Parliament did not meet after the declaration of war, so he had no chance to vote for or against the war budget. His general attitude was that the war was precipitated largely by the action of Austria and Germany; that it was wrong; at the same time they were in it and ought to see it through and bring about as speedy a peace as possible.

Q. Did he support the government in its war program? A. He had no occasion or opportunity to support or oppose, since, as I say, there was no parliamentary activity in Austria after the war.

Q. Do you regard him as pro-war Socialist? A. Partly.

Q. Herminstoff, what have you to say about his attitude? A. Why the poor man was dead at the time.

Q. Was he dead before the war? A. Yes.

Q. Then we won't resurrect him for this occasion.

Q. Plakanoff, was he alive? A. Plakanoff was alive until about two years ago. Plakanoff was in favor of prosecuting the war on the side of Russia.

Q. What happened to him? A. Why, he died a natural death after a while.

Q. Now, take Italy, Enrico Ferri? A. Enrico Ferri had left the Socialist party of Italy some time before the outbreak of the war. The Socialist party of Italy, including its usual representatives in the bureau, were at all times consistently opposed to Italy's entering the war, and when Italy did enter the war, they continued opposing the war and urging immediate peace.

Q. Well, did Enrico Ferri remain with them after they opposed the war? A. Enrico Ferri, I think, disappeared from public life generally.

Q. So that nothing is known about his attitude with respect to it? A. Nothing is known to me.

Q. Turati? A. Turati was opposed to war consistently.

Q. And he would be what you would call an anti-war Socialist? A. He would.

Q. In England, Henry H. Heinemann? A. Pro-war.

Q. Keir Hardie? A. Anti-war.

Q. J. Ransmey MacDonald? A. Anti-war.

Q. And Brantung is the only other man whom you referred to, but he was a Swede and his country was not in war? A. No.

Q. You have spoken about a conference that was to have been held, I think, in Brussels, in August of 1914, was it? A. No, a conference was held in Brussels July 29th.

Q. Was that the conference that you attended? A. I did not attend it.

Q. Is that the conference to which you have referred, where you were one of the three representatives of the United States as a delegate? A. No, it was a congress, and no conference, that was to be held in Vienna in 1914.

Q. In what month? A. In August.

Q. The names of three of the representatives who were to represent the Socialist party of the United States there were given by you yesterday? A. Yes, sir.

Q. Was not Victor Berger also one of those who were designated to represent the United States? A. I think he was.

Q. And Kate Richards O'Hare? A. Kate Richards O'Hare was not, but Oscar Ameringer was.

Q. Was there not at one time a man who went to the Brussels conference named Daniel De Leon? A. Daniel De Leon at no time was a member of the Socialist party or a representative. He represented the Socialist Labor party, which was a rival Socialist organization, and represented that party on the International Socialist Bureau.

Q. Then he went to Brussels and attended the conference there, did he not? A. A few.

Q. And was he not one of the organizers of the Industrial Workers of the World? A. He was.

Q. Otherwise known as the I. W. W.'s? A. Subsequently acquiring the name of the I. W. W.'s.

Q. And he subsequently organized the Detroit I. W. W., which later became the Workers' International Industrial Union, did it not? A. I think he did. I think he had a part in the organization of that union.

By Assemblyman Cuvillier:

Q. Are the I. W. W. a part of the Socialist Party? A. No, the I. W. W. is no more a part of the Socialist Party than it is a part of this Assembly.

Mr. Stedman.— Not quite as much.

Q. A telegram from London today says that a Bolshevik agent was arrested for carrying instructions from Mr. Bucharin, of the Committee of the Third Internationale, in Moscow, and the letter says that he carried on his person to the United States which stated that the world revolution alluded to the exclusion of the Left Wing of the American Socialist Party and urged that the time is ripe for forming a Communist Socialist Party in the United States, which should be communicated to the authorities in charge of the Third Internationale; and it pointed out the advantage of informing the unadvanced Socialists, such as those opposing the Internationale, and expressed satisfaction that the I. W. W. had recognized the dictatorship of the Soviets. It says: "There must be active collaboration with the I. W. W. to speed the movement toward a revolution." The letter specifically emphasizes the importance of communizing the soldiers and sailors of the United States army and navy as soldiers and sailors of the Soviets of the United States, preaching prosecution of the officers in general. Now, you say that the I. W. W. in this case is not a part of the Socialist Party. A. I say the thing you have read, Mr. Cuvillier, is the greatest conglomeration of perfect nonsense that ever came to my notice, and has nothing to do with the I. W. W. and the Socialist Party.

Q. What I want to know is, do you know anything about what I have read about the Third Internationale now linking with the I. W. W.; if you do will you tell me? A. Why, I know nothing, and it makes absolutely no sense, Mr. Cuvillier.

Q. I did not ask you that question? A. But I volunteer that much information. You are getting newspaper abstracts and clippings. You might as well get a decent intelligent opinion on the subject occasionally.

Q. But you know, as counsel for the committee stated, that Mr. DeLeon did organize the I. W. W.? A. Yes, but the I. W. W. organized by Daniel DeLeon was a matter entirely different.

Q. Mr. Haywood was never a Socialist, was he? A. Are we on the first question? Let me finish it.

Q. Go ahead? A. I say, when Mr. De Leon was not a Socialist Party member and organized the I. W. W., it was organized on a plan and methods entirely different from the present I. W. W. We are not responsible for the difference, but a historical fact might as well stand correct. What was your next question?

Assemblyman Cuvillier.—Mr. Haywood?

The Witness.—Whether Mr. Haywood was a member of the Socialist party?

Assemblyman Cuvillier.—Was he a member?

The Witness.—He was a member of the Socialist party.

Assemblyman Cuvillier.—That is all I want to know.

By Mr. Conboy:

Q. Mr. DeLeon was for many years a member of what was known as the Socialist Labor party, was he not? A. He was.

Q. And was that prior to the time when the name Socialist Party of America was adopted? A. It was prior and subsequent. In 1900, or to be more correct in July, 1899, a split occurred within the Socialist Labor Party, one portion retaining the name and continuing up to date and the other forming the Socialist Party. Now DeLeon was and remained with the Socialist Labor Party.

Q. And he attended the International Socialist Bureau Conference in Brussels, did he not? A. He did as representative of the Socialist Labor Party.

Q. And you attended the International Socialist Bureau too? A. As representative of the Socialist Party.

Q. And you both were in attendance at the same time, were you not? A. A few times.

Q. In the same body? A. In the same body.

Q. Now, in Chicago in 1919 the Socialist Party held a convention, did they not? A. Yes.

Q. I understood you to say that you were not in attendance? A. That is correct.

Q. Did you have anything at all to do with the drafting of the platform, the manifesto that was adopted there? A. I prepared the draft which was used as the basis for the manifesto finally adopted.

Q. So that the language contained in the manifesto as finally adopted may or may not have been taken from the draft which you prepared? A. A good deal of it has been taken from that draft.

Q. Did you prepare that portion of the draft of that manifesto which is entitled "Pro-war Socialists Repudiated"? A. Will you read it, please?

Q. Yes, sir. (Reading) "Recognizing this crucial situation at home and abroad the Socialist Party of the United States at its First National Convention after the war squarely takes this position with the uncompromising section of the International Socialist movement. We unreservedly reject the policy of those Socialists who support their belligerent capital government on the plea of national defense and who entered into demoralizing compacts for so-called civil peace, with the exploiters of labor during the war and continued a political alliance with them after the war?" A. That I did draft.

Q. You did draft that. Then did you draft the paragraph which follows that, and before I ask you this there is some dispute as to the language of this paragraph which you may perhaps be able to clear up in the report of that manifesto which is reported in the New York Call. The language is as follows: "We, the organized Socialists of America declare our solidarity with the revolutionary workers of Russia in the support of the government of their Soviets, with the radical socialists of Germany, Austria and Hungary in their efforts to establish working-class rule in their countries and with those Socialist organizations in England, France, Italy and other countries who during the war as after the war have remained true to the principles of uncompromising international Socialism." Do you recall whether you drafted that paragraph? A. I drafted it substantially. My draft contained the language reported in the Call. From the published document adopted by the convention I saw that that particular language had been amended by the convention. Instead of declaring our solidarity with the Russian workers in the support of the Soviet government, the phrase was substituted "pledging our support to the Russian workers in the support of their Soviet government." Personally I do not see much of a

difference between the one or the other, but the convention evidently did.

Q. I presume you do not see much difference yet, do you, Mr. Hillquit? A. No.

Q. Certain of your co-Socialists left the party in this country on account of its work attitude, did they not? A. Well, certain members of the party did.

Q. And those members were who? A. John Spargo, Charles Edward Russell, J. G. Phelps Stokes, A. M. Simons, Carl Thompson, and probably several more whose names do not occur to me.

Q. Allen Benson? A. Allen Benson, subsequently.

Q. Henry Slabodin? A. Henry Slabodin, is right.

Q. In your direct examination yesterday you spoke about the moral authority or power or influence—I think the phrase that you used was moral authority and moral power of the pronouncement— A. Moral force, I suppose.

Q. It may have been moral force of the pronouncement of the Internationale so far as the Socialist parties of these countries were concerned. Now, I take it that you were referring, in that connection, to the manifestoes and proclamations, and platforms, or whatever their term was, applied to the machinations of the Internationale as contained in some tangible form of communication, did you not? A. Not communication. As contained usually in the printed records of the various congresses or meetings of the Internationale.

Q. Will you tell us, if you please, where the International Socialist Bureau met in Brussels, did they meet in a building? A. The Maison du Pucple, the People's House.

Q. Was the Maison du Pucple sustained by the International Socialist Bureau? A. No, it was the headquarters of the organized workers of Brussels, and also of the Cooperation Society of Brussels, which lent a couple of rooms to the International Socialist Bureau.

Q. Did you have there a permanent secretary? A. Yes, sir.

Q. And that permanent secretary was appointed, or elected, by those who attended the conference? A. The International Socialist Bureau, as such, elected an executive committee composed of three members, who in turn elected a secretary subject to the approval of the bureau.

Q. And that secretary permanently remained at that place, did he? A. Yes, had his headquarters there.

Q. Headquarters were maintained there throughout the year, and from year to year? A. Yes, sir.

Q. He was in communication, I take it, with the different Socialist parties throughout the world? A. With the representatives of such Socialist parties in the International Socialist Bureau.

Q. Will you tell us the process by which the proclamations, or platforms, adopted by the International Socialist Bureau were communicated to the various Socialist parties throughout the world?

A. They were not at all, Mr. Conboy. The communications that the International Secretary would send out would be of this nature: Say a report from a certain Socialist organization, or labor organization, giving the conditions of their movement in a particular country from time to time; or sometimes a protest sent in say by the Socialist or labor movement of a certain country against certain existing conditions, that he would communicate — just send in mimeographed form — copies to the members of the Bureau. Then when the Bureau would meet as such, semi-annually, the report of its proceedings in three languages would likewise be sent to the members of the Bureau; but when congresses were held, no such reports were sent at all. They were published and sold, and bought by whosoever cared to have them.

Q. Well, the proceedings of the congresses were communicated in what fashion to the Socialist Party of America? A. I have tried to make it clear, several times, that they were not communicated in any fashion; that they were published as proceedings in three languages, and that the books were available for purchase by those who cared to have them; and that was all there was about the communications.

Q. Did not the representatives of the United States — the Socialist Party of the United States — who attended at those congresses communicate the proceedings upon their return to this country to the party? A. They usually would make a report, sometimes lengthy, sometimes brief, being guided by their own discretion as to what had occurred in those conventions or congresses.

Q. And in what fashion was the report — sometimes lengthy and sometimes brief, which they made in the fashion that you just spoke of — communicated to the party itself? A. Depending upon circumstances. If it was near the time of a National Convention, the representatives of the International Socialist Bureau

— the American representatives — have occasionally submitted reports to such conventions. If no such convention was held at the time, or approximately at the time, a report would be drawn up and sent to the Executive Secretary of the Socialist party who would publish it in the Socialist papers.

Q. And when you say that the proceedings of these congresses had a moral force, what proceedings are you referring to? A. All resolutions adopted on various social, political and economic problems.

Q. Is it not a fact that they were subsequently incorporated in Manifestoes or proclamations issued by the Socialist party of America? A. No.

Q. Did that never occur? A. Never.

Q. Then in what fashion did the members of the party become acquainted with the things which were to have this moral force? A. As I stated before, through their publications. In other words, the position was the same, Mr. Conboy, whether it was contained in a resolution of the Internationale or in a book by an authoritative Socialist writer. It would carry certain weight and the informal members of the Socialist party would read it and know it. Then when a question would arise in this country, the position of the Internationale might be quoted occasionally; as, for instance, the position of an authoritative author on the subject; but if it was, it was just by way, as I said, of authoritative or moral force.

Q. And the position of the party, on such subjects as the Internationale had announced a policy or principle with respect to, would very largely be guided by that enunciation or policy or principle, wouldn't it? A. It would be guided by such policy or principles if it considered such policy or principles of the Internationale as proper and correct, and in the majority of cases the National parties did so consider the resolutions of the International Congresses.

Q. And that is what you refer to as moral force? A. Yes.

Q. Which was accorded to these pronouncements? A. Yes, sir.

Q. Did you ever know of an instance in the history of the Socialist party of America where that moral force was not accepted as binding upon the party here? A. Why, yes.

Q. Tell me the instance? A. The Socialist party attitude on immigration, for instance, has for a long time differed from the attitude of the Internationale. The Socialist party attitude on

trade unions was not always in accord with that of the Internationale.

Q. Is it now? A. In a general way, it is, and I believe it is due to a change rather of the Internationale attitude, than the attitude of the Socialist party of the United States. The Internationale represented in most cases countries in which the labor movement and the socialist movement are very closely allied, and brought together, so that the policy that they laid down in their congresses was based upon that assumption of close co-operation. In the United States no such relations existed between the party and the organized trade union movement, and consequently, our policy with reference to the affairs of the trade unions, was a policy of neutrality, or non-interference, if you want. In one of the last congresses of the Internationale a somewhat similar policy was adopted whereby, if you want, reversing processes, and bringing the Internationale in accord with the Socialist party of the United States.

Q. In that case, as you say, the processes are reversed; instead of the party adhering to the plan or principle of the Internationale, the Internationale adopted the plan or principle of the Socialist party of America? A. Not at all. I do not suppose the Internationale, or any considerable number of delegates, knew of the attitude of the Socialist party at the time.

Q. Do you recall any other instance in which the principles of the Internationale have not been accepted by the Socialist party of America? A. As far as the Socialist party of America is concerned, it has hardly had an opportunity to accept or to reject such principles. I may cite to you, if you want, a number of instances of European parties having rejected resolutions of the Internationale.

Q. I am more concerned with what has happened in the United States? A. In the United States there have been very few occasions of either conflict or agreement, and hardly any occasions that I can think of where the Socialist party of the United States was called upon to accept or reject the plan of the Internationale.

Q. With respect to the divergence of opinion between the Internationale and the Socialist party of the United States on the subject of immigration, did that have to do with the entry of Asiatics into the United States? A. It did.

Q. And did the Socialist party of the United States take the position that the immigration laws of this country were proper and should be adhered to? A. The Socialist party of the United States

stood for some modification of the immigration laws. It did, however, not go as far as the Internationale Socialist Congress went on the subject of immigration. For instance, the Socialist party of the United States is opposed to the importation of contract labor; also is opposed to the importation of strike breakers or any forced immigration. The Internationale does not recognize any limitation upon immigration.

Q. You do not, of course, want us to understand that the International takes the position that contract labor — I assume you refer to it? A. I said contract.

Q. — that contract labor should be imported into the United States? A. The International is not concerned with the policy of the United States.

Q. I did not think it was. A. But from one country to the other. It makes no such limitations, and does not make objection to contract labor going from one country to the other.

Q. And is the same true with respect to the policy of the International with regard to strike breakers? A. There is also,—I think my memory is correct on the subject, no restriction in that respect in the resolution of the International Socialist Congress on the subject of immigration.

Q. And now you have answered that question as fully as you can, have you not, Mr. Hillquit? A. I have, yes, sir.

Q. Who financed this Socialist International Bureau? A. I stated that in my direct examination. Every affiliated party is assessed a certain amount of money which it is in honor bound to pay annually, and sometimes really does pay.

Q. You said the United States, however, had not made its contribution, but, nevertheless, had not been refused participation in the International Socialist Bureau? A. I did not put it that way. I said it had been in default for quite a long time, but never expelled or suspended on that account, merely as illustrating the loose character of the organization.

Q. Did anyone pay the arrears for the United States? A. No.

Q. And it is still in default? A. Still in default.

Q. Do you know who made up the deficiency that was incurred by virtue of the fact that the Socialist Party of America was in default? A. I think a curtailment of work of the International made up that deficiency.

Q. That is, they cut down their expenses? A. When they got in some money they published as much literature and reports as

they could from it, and they published less literature and reports when they had less money.

Q. That International Socialist Bureau to which you have referred has gone, practically out of existence, hasn't it? A. Yes, practically.

Q. Did it function at all after the outbreak of the war in 1914? A. Why, it attempted to. First there was an attempt on the part of the Belgian delegation who constituted the executive committee of the Bureau, that is Vandeville and Huysmans, and a third, De Brouckere. They attempted first to continue in their functions having transferred the seat of the Bureau from Brussels to the Hague. Then after awhile they further attempted to infuse life into the organization by attaching the representatives of Holland on the Bureau to their executive committee. Then they attempted also to organize certain conferences between the Socialists of belligerent nations among other things, the Stockholm conference. They did not succeed except in having the inter-allied conferences and the Central Powers meet separately. Then when armistice was declared, there were two conferences,—I think I mentioned those,—in Lucerne, and then a new body, the executive council was created to support evidently the Bureau.

Q. Did that Socialist International Bureau function under what you referred to as the Second International? A. It was created by resolution adopted at the London Congress of 1896 but did not go into actual life before 1900 and functioned from that time until the outbreak of the war.

Q. That is, the Second International which is referred to in both the majority and minority reports which were submitted to the members of the Socialist Party of America? A. Yes.

Q. Mr. Hillquit, you have given us rather a lengthy and altogether interesting account of conditions over in Russia. I take it that you haven't been there since the war broke out? A. No, I haven't.

Q. And you have read, you said, a great deal of the literature upon the subject? A. I have.

Q. I take it that you have also conferred with various men with regard to it? A. Some.

Q. Some. You don't agree, you have said, with the understanding of conditions there as expressed by Mr. Lansing, the former Secretary of State of the United States? A. I said I do not agree with him at all.

Q. Or with Mr. Collins who testified here? A. Not even with Mr. Collins.

Q. Now, isn't it a fact that you are under a retainer from the Russian Soviet government? A. It is not a fact. I am not under a retainer, if we understand by retainer payment of compensation for services.

Q. I do not know whether we understand what retainer means—

Mr. Stedman.— I do.

Mr. Conboy.— Mr. Stedman does, but I cannot attribute his knowledge to you.

The Witness.— Well, define it.

By Mr. Conboy:

Q. You do have some connection with the Russian Soviet government, do you not? A. With the Russian Soviet Bureau here in the United States— yes, I do.

Q. Now, the Russian Soviet Bureau in the United States is the bureau in this country that purports to be— and I do not mean to suggest that it is not when I say “purports”—the representative of the Russian Socialist Federated Soviet Republic? A. It is.

Q. And what is the nature of your connection with the Russian Bureau in the United States, which is the representative of the Russian Socialist Federated Soviet Republic— you are counsel? A. I am counsel.

By Assemblyman Cuvillier:

Q. Mr. Hillquit, are you a Russian by birth? A. I am Lettish.

By Mr. Conboy:

Q. Mr. Hillquit, you said you were counsel for that bureau? A. Yes.

Q. Are you not what is known as a counsellor? A. There is absolutely nothing “orish” about it. I am just absolutely plain legal adviser.

Q. I do not want to charge you with being anything that you are not, and if you say that you are only counsel and not counsellor, I shall accept your statement. A. I would like to know the distinction, Mr. Conboy, between counsel and counsellor.

Q. All right. At any rate, you have some legal connection with the Russian Bureau in this country, representing the Russian Soviet Republic which you have referred to as being that of counsel for it? A. Yes.

Q. Now, I presume —

Mr. Block.— Pardon me just a moment. You say a legal connection. You mean connection in some legal capacity.

The Witness.— We understand that.

Mr. Block.— We do not want to get any misunderstanding as to the use of words.

Mr. Conboy.— When we do, I am sure Mr. Hillquit will advise me.

Q. Now, you receive compensation for your work in that connection, do you not? A. I do not, Mr. Conboy.

Q. Have you ever received compensation from the Russian Bureau? A. Never.

Q. Or Ludwig C. K. Martens? A. No, or anybody in his behalf or its behalf.

Q. Wasn't a check drawn to your order for \$3,000? A. Nothing for \$3,000 or 3,000 cents, or any check of any kind.

Q. And I presume it will be a surprise to you if we will produce the check? A. It will be a welcome surprise if you hand it to me.

Q. In your capacity as counsel, what do you do, Mr. Hillquit? A. I have not done much of late, that is, within the last couple of months. Prior to that time I used to advise Mr. Martens on the best way to proceed in order to accomplish his mission in this country. I, for instance, advised him to file his credential with the Secretary of State, because that is a requirement of the law. I helped him in the preparation of his statement, and I advised him generally in the organization of his office, and in every effort undertaken by him for the connection or for the establishment of trade connection with the United States.

Q. And when did your connection with the Russian Bureau, representing the Russian Socialist Republic, begin? A. Immediately upon the appointment of Mr. Martens.

Q. And that was when? A. Well, I think it was about a year ago.

Q. March, 1919? A. 1919; I think it was January or February.

Q. Have you since that time rendered such services as such counsel as you were called upon to render by that Russian Bureau? A. I have rendered services continuously until the last couple of months, and only such as I could render, being away from the city and from my office.

Q. Do you know that as counsel for the Russian Bureau, representing the Soviet government in the United States, you are interested, are you, in presenting the best case for that government that you can before this committee? A. You put the cart before the horse, because I am interested in the fate of Soviet Russia, and because I think that Mr. Martens represents here a good and worthy cause; I am interested and have become counsellor or accepted appointment for the Soviet government; but I have absolutely no pecuniary interest in the matter whatsoever, and I am not a paid counsel or advocate for the Soviet government or Mr. Martens.

Q. Well, you may be right about that? A. I know it.

Q. It may be that you have never seen any money for the services you have rendered as counsel, and I take it that you want us to understand, without qualification or reservation of any description, that you have never received any money whatever from the Russian Bureau, representing the Russian Soviet Republic, or from Mr. Martens, or from anyone else, in their behalf, either in the sum of \$3,000 or any other amount, Mr. Hillquit? A. Let us have it quite clearly on the record.

Q. Just as clearly as you want to state it? A. I want this Committee to understand that in no capacity, either as counsel or otherwise, have I at any time received any payment of any sum of money, no matter how big or small, from the Soviet government, or from Mr. Martens, or, directly or indirectly, in behalf of the Soviet government, or Mr. Martens, or anybody, or anything connected with either the Soviet government or Mr. Martens. Is that clear enough?

By Mr. Conboy:

Q. I think that is as unqualifiedly and unreservedly as it can be stated. A. Well, you know, there are some things about which I have a personal knowledge, and one of them is as to whether I get some money.

Q. Certainly. I take it that your statement made upon the record is so comprehensive and all inclusive that it covers also the

possibility of a payment being made to you for expenses? A. Absolutely, any payment of any kind.

Q. For no purpose whatever? A. Not a cent for any purpose in the world, by anybody or anything connected with the Soviet Government.

Q. That is the way I understood you the first time. Now, you have doubtless discussed conditions in Russia with Mr. Martens, have you not? A. Oh, occasionally.

Q. And he is here representing, as you have stated, the Russian Soviet Government? A. Yes, sir.

Q. Now, have you ever read the book by Mr. Spargo on Bolshevism? A. I glanced it over. I have not read it carefully.

Q. John Spargo was a member of the Socialist party with you for quite awhile, was he not? A. He was.

Q. I understood you to say today that John Spargo was one of the Committee that drafted one of these manifestoes that I read in evidence here? A. Several of them.

Q. In Mr. Spargo's book, on page 186, with reference to the statements that you made yesterday regarding the attitude of Lenine towards the defense of Russia — and I understood you to say that Lenine was in Switzerland when the revolution broke out, and he was permitted to pass through Germany by the Germans and given a safe passage, or conduct, into Russia — that is true, is it not? A. Yes.

Q. And it is also stated in the same connection that he was furnished with money, isn't it, Mr. Hillquit? A. It is stated in the same connection.

Q. You don't know, of course, of your own knowledge, whether he received any or not? A. I know he denied it.

Q. You know he denied it? A. I know the man personally and I know him pretty well, and I will take his denial over Spargo's hearsay assertions to the contrary.

Q. You described him yesterday as being a very mild sort of man, I think? A. I said a scholarly man.

Q. I think you said moderate. I doubt if you were at the time characterizing his intellectual attainments, but rather giving us to understand that he was a man of moderation. A. He generally is.

Q. And you also gave us to understand in the course of your testimony that having been permitted to pass through Germany from Switzerland into Russia and having been furnished with conveyance by the German government, that when he got into

Russia he immediately attempted to help the war program of Russia against Germany? A. I said nothing of the kind.

Q. Well, let the record stand for what it is. A. Let me tell you what I did say. I said he was known as being very much opposed to war and that was probably the motive of the German government in facilitating his return to Russia and when he got to Russia he did certainly work and speak against the continuance of the war.

Q. Yes. Now, then, Mr. Spargo says, "Throughout the first half of June while arrangements for a big military offensive were being made, and were causing Kerensky and the other Socialist ministers to strain every nerve, Lenine, Trotzky, Kamanev, Zinoviev and other leaders of the Bolsheviki were as strenuously engaged in denouncing the offensive and trying to make it impossible." Do you agree with that statement of Mr. Spargo's? A. Substantially, yes.

Q. "Whatever gift or genius these men possess was devoted wholly to destruction and obstruction"? A. I disagree with that entirely.

Q. "The student will search in vain among the multitude of records of meetings, conventions, debates, votes, and resolutions for a single instance of participation in any constructive act, one positive service to the soldiers at the front or the workers' families in need, by any Bolshevik leader." A. Well, and so Mr. Spargo proceeds upon the assumption that he is one of the students who has gone through or could go through all the records or debates, conventions, documents and so on. Now, as a matter of fact, he could not. He doesn't know Russian. He doesn't have access to those records. Spargo has nothing but second hand information, hearsay evidence, and I know something about John Spargo's characteristics as a historian. I still consider him a pretty good personal friend, but I have absolutely no respect for him as a historian at all.

Q. He disagreed with you about the conduct of the citizens of the United States during the war? A. No, he could not, because at that time when the question arose I was a citizen and he was not, so he could not teach me about citizenship in the United States.

Q. He disagreed with you about the attitude of the Socialists toward the support of the government? A. That had absolutely nothing to do with the other case. Spargo has made his reputation as a historian. When he attempted to describe the life of

Marx serious minded persons in the Socialist movement from then on did not take him seriously as a historian.

Q. But he remained in the party until the party indicated its attitude towards the war and then went out? A. Yes, but that has absolutely nothing to do with his capacity as a historian.

Q. I don't know whether it has or not. A. I know it has not.

Q. Now, then, he says with respect to the Bolshevik leaders: "But they never missed an opportunity to embarrass those who were engaged in such work, and by so doing add to the burden that was already too heavy." Do you disagree with him in that statement? A. Yes.

Q. "Lenine denounced the offensive against Germany as 'an act of treason against the Socialist International' and poured out the vials of his wrath against Kerensky." A. Lenine did oppose Kerensky.

Q. "Who was, as we know, simply carrying out the decisions of the Soviet and other working class organizations." A. That was not the case at all. He was not carrying out any such decisions.

Q. "There was a regular system of communications between the irreconcilable revolutionists and the German General Staff"? A. I think that has been proved to be false.

Q. You think it has? A. I think it has.

Q. Who proved it? A. I think in connection with the discussion of the Sisson documents this story has been fully exploded.

Q. "In proof of this statement only one illustration need be offered, though many such could be cited: At the All-Russian Congress of Workmen's and Soldiers' Delegates, on June 22nd, Kerensky read, in the presense of Lenine, a long message, signed by the Commander-in-chief of the German eastern front, sent by wireless in response to a declaration of certain delegates of the Council of Workmen's and Soldiers' Delegates." Do you know there was any such declaration as that? A. No. You might as well read all of Spargo's book and you might ask my opinion from page to page. I will say that whatever Spargo writes does not retract or add to my opinion on the subject. I do not say that Lenine came to Russia to support the war. On the contrary he opposed the war. He came to Russia to bring about peace. I do say he was not in any way moved by any consideration of bribes or pro-German sentiments but by his honest convictions as a Socialist and as a conscientious opponent of this particular war.

By Assemblyman Cuvillier:

Q. That is your personal opinion? A. Yes.

By Mr. Conboy:

Q. It is not, of course, your opinion as the counsel for the Russian Bureau, representing the Russian Soviet Republic? A. Now, Mr. Conboy, you know my position perfectly well. There is not one thing that has in the slightest way influenced me by my being counsel for the Soviet representative; but on the contrary, because I hold opinions such as I do, I agree to act for the Soviet representatives. Is that clear?

Q. I think it is. I think it is clear that because you hold these views you are acting for the Soviet Republic? A. Not being influenced by my connection with them.

Q. Sort of an a priori determination. Now, did you ever hear of Mr. R. H. B. Lockhart? A. Yes, I heard of Mr. Lockhart.

Q. He was the representative of the English government in Russia? A. Yes.

Q. And he collaborated in many activities with Colonel Raymond Robbins? A. Yes.

Q. He submitted a communication to the English government on the situation in Russia, dated November 10, 1918? A. He did.

Mr. Stedman.— May I ask what you are reading from?

Mr. Conboy.— Senate Document No. 62.

Mr. Stedman.— Yes; but what volume and page?

Mr. Conboy.— It is the third volume, at page 1158.

Mr. Block.— That is the Overman Committee report, is it?

Mr. Stedman.— Yes.

Mr. Conboy.— Now, in this communication from Mr. Lockhart, which is addressed to Sir George Clarke, Mr. Lockhart being, as testified, the English representative in Russia, about November 10, 1918, he says: "The Bolsheviks have established a rule of force and oppression unequalled in the history of any autocracy." Do you understand that Mr. Lockhart was there and observed conditions at the time? A. Yes, sir. I also understand that he was arrested for plotting against the Soviet government, and that he had a few unpleasant incidents with the Soviet government.

Q. Do you know what Colonel Raymond Robbins says about him — that Colonel Robbins and Mr. Lockhart were the only two men who had an out-of-door knowledge of conditions in Russia; that all others gathered their information from boulevard gossip and tea-table chat? A. Which does not in any way alter the other observation I made.

Q. That is, that he was put in jail? A. Well, just incidentally; that he was engaged in counter-revolutionary plotting in Russia.

Q. He says in the next paragraph: "Themselves, the fiercest upholders of the right of free speech, since coming into control they have suppressed every newspaper * * * In this the Socialist parties suffer most of all." Do you know anything at all upon that subject? A. No. I think I may save you a lot of trouble in reading much more, by saying that there are very serious indictments against the Bolshevik government, coming from authors without first hand knowledge, such as Spargo; coming from observers who could have had the opportunity to gain first hand knowledge, such as Lockhart or Ambassador Francis, and others; and coming from periodical publications against the Soviet government. Now, I know there are any number of indictments. I also know that on each count of the indictment, there is another side and another story. All I was trying to make clear was that while there is probably not a person in the world to-day who could weigh evidence against evidence and determine the actual state of facts and the actual history of Soviet Russia, we Socialists, by preconception, if you want, take the side of the Soviet government just as naturally as the other side — what you might call, the capitalist side — takes an anti-Soviet attitude.

Q. And you may quote authorities indefinitely, and I may quote authorities against you indefinitely; that would not change your views.

The Chairman.—Your notion is that if a fellow who is in favor of Bolshevism, he would go in and say it is all right, and the one not in favor of it would go in and say it is not?

The Witness.—Yes, that is it. Ransome has done that. Phillips-Price has done likewise. Robins has, and he is a very conservative man on the whole, but he has come out very much impressed, so you have any number of writers and investigators, and, on the other hand, persons equally well informed.

Q. What I want to bring your attention and the attention of the Committee to is this: You have just admitted that your attitude towards the Russian Socialist Federated Soviet Republic may be due to preconceived ideas with regard to the desirability of that form of government. A. I did not say that, Mr. Conboy. Don't you know — well, I can manage to express my thoughts somehow or other without such extraneous aid.

Q. I think you can express your thoughts without extraneous or intraneous aid, but let me ask you the statements that you have expressed to the Committee are those you have gathered from the reports that you regarded as favorable to the present Soviet government; is that true? A. Quite correct.

Q. Now, then there are people who have been in Russia who have first hand information, whose reports as to conditions existing there are quite the contrary of that which you stated in your testimony yesterday and to-day. A. Absolutely.

Q. Now, this is one of them? A. Yes, there are plenty of them.

Q. So that in order that the Committee may understand that you were giving us the expressions created upon your mind by those who were favorable to the existing government there, and favorable to its functioning and administration of its institutions by it. I want also to direct your attention, if communications of this kind have not always been received by persons who have this kind of information regarding those conditions? A. I say absolutely, Mr. Conboy — I want to ascertain whether Mr. Lockhart's statement — whether you know Lockhart's statements are true or false? A. I say Mr. Lockhart's statements are absolutely contradicted. So, by Mr. Robins' statement, I think we can get to that point very soon —

Q. You do not know what point I am getting at, and I am afraid if you do not let me indicate the point we won't come to the point? A. Well, indicate the point.

Q. Let me go on to the third paragraph of this report made by Mr. Lockhart to this government, giving some different idea of conditions in Russia from those you have quoted from friendly reports that you have read. A. Mr. Conboy, you will pardon me. I will have to appeal to the Chair on that subject. There is a proposition, I say, is not cross-examination, and it is going to lead us —

Q. I am going to ask you —

The Chairman.— I think you are spending a lot of time for nothing here.

The Witness.— There is one thing, Mr. Chairman —

Mr. Conboy.— We spent this time yesterday and to-day.

The Chairman.— It is all the same —

Mr. Conboy.— It is in reply as to whether they quote correctly.

The Chairman.— Some fellow says it is all right and some say it is all wrong, what is the difference?

Mr. Conboy.— Let us find out.

The Chairman.— I am not inclined to hear much more.

Mr. Conboy.— There isn't much more.

(Discussion off the record.)

Mr. Sutherland.— May I make a statement here? The matter on which Mr. Conboy is examining the witness has been very carefully studied out by counsel in their rooms last night. This line of questioning is not impromptu — something which has just occurred to Mr. Conboy. It is a line which was prepared by counsel who have been asked to assist the Committee, in the belief that it was essential to bring this out in order to have a proper presentation of the facts before the Committee. Now, of course, we have no desire to press this upon the committee at all, but we would like to have the committee understand clearly that the line of questioning pursued by Mr. Conboy has been deemed by the Committee of such importance that we have outlined it and prepared to present the facts. If the Committee does not desire to receive it, of course we yield at once.

(Discussion off the record.)

The Witness.— Let me state in just a few minutes where we have tried to save the time of the Committee. For your information Mr. Chairman and yours, Mr. Conboy; before we took up the question I got in my room, and it is there now, at least 60 or 70 volumes of the literature on the subject on both sides. Our first idea was to introduce in evidence some particularly telling books or works on the subject. Then we decided it would keep the Committee indefinitely. What we did then was to discard our entire library of literature which still encumbers my room in the hotel

and decided to take this position that we did not come before you at all with any intention to state facts or conditions in Russia because we do not think we are called upon to do it and we do not think that this Committee can make a finding as to conditions in Russia. Our conception as Socialists of Soviet Russia is not one of chaos or violence. Can you contradict that by reading Mr. Spargo's opinion or anyone else's opinion. If you are in a position to show that the Socialist Party as such accepts this view of Russia, this view of Russia as a concrete case in anarchy, then you are contradicting me; otherwise you are not.

The Chairman.—Well, Mr. Conboy, you can proceed with your examination.

Mr. Conboy.—I direct your attention to the next paragraph in this same report made by the English representative. . . .

The Chairman.—I decided in your favor, Mr. Conboy; I might be wrong about it.

Mr. Conboy.—(Reading) —“The right of holding public meetings has been abolished. The vote has been taken away from everyone except the workmen in the factories and the poorer servant, and even amongst the workmen those who dare to vote against the Bolsheviks are marked down by the Bolshevik secret police as counter-revolutionaries, and are fortunate if their worst fate is to be thrown into prison, of which in Russia today it may truly be said, ‘many go in but few come out.’” Have you read this report of Mr. Lockhart's in that connection?

The Witness.—I did not. I didn't care to.

Q. You didn't care to read that? A. No.

Q. “The worst crimes of the Bolsheviks have been against their Socialist opponents.” did you read that? A. I have read that.

Q. “Of the countless executions which the Bolsheviks have carried out a large percentage has fallen on the heads of Socialists who had waged lifelong struggle against the old regime, but who are now denounced as counter-revolutionaries merely because they disapprove of the manner in which the Bolsheviks have discredited Socialism.”

Mr. Stedman.—If that is true the governments against the Bolsheviks would cheer them on if they were shooting Socialists. (Laughter.)

The Chairman.—Proceed.

By Mr. Conboy:

Q. Has that statement come to your attention? A. Are you examining Mr. Stedman now or me?

Q. I don't know. Mr. Stedman is answering.

The Chairman.— Proceed.

The Witness.— That statement has come to my attention and even a little more elaborated about the imprisonment of poor old Kropotkin and others and then a letter came from Kropotkin stating that he was not dead nor imprisoned but enjoying life and liberty and feeling fine.

Q. I take it then, Mr. Hillquit, that there are reports regarding the conditions in Russia which as you have said come from people who have been eye-observers of conditions there which are not at all in harmony with the statement you made yesterday? A. My statement, however, also being supported by eye-observers who have just come out from Russia.

Q. That is, you have taken the statement of those whose statements were in support of the existing government and you have discarded and eliminated from your consideration of the case those statements that were in opposition? A. I have taken the more favorable statements generally because they seem to me more in accord with what I know of conditions in Russia and the character of the men at the head of the movement.

Q. And you already refer to that as being your pre-conceived notion which is supported by the documents or statements to which you have referred? A. It is a pre-conceived notion based upon the life-long study and observation of social phenomena and I also have no doubt that the reports coming from Lockhart and others are pre-conceived the other way, and I was frank enough at the very outset, Mr. Conboy, to say that I do not claim to possess the whole truth; that it is absolutely impossible to reconcile the conflicting reports on each point and that we are not called upon to reconcile it. The only thing I wanted to say by my testimony was that the Socialist movement as such views the situation in Soviet Russia in a different light and that its expression of sympathy with Soviet Russia doesn't mean an expression of sympathy with chaos and bloodshed and terror and autocracy, but it means an expression of sympathy with the working-class governments striving to realize a high social ideal.

Q. Whether you are wrong or right about what? A. About the facts in Russia. The question solely is: What do we, here in the

United States, understand when we say we sympathize with Soviet Russia?— Does it mean we throw down the barriers of civilization in this country? It is the definition in our minds that is in issue; not the facts in Russia.

Q. But if the facts in Russia indicate a condition that is a violation of all civilization, and you accept it— A. If we accept that interpretation of the Soviet government, yes, of course.

Q. You have yourself referred to a period of terror over there? A. I have also said, Mr. Conboy—

Q. I do not care what you have also said. I have asked you if you have referred to that? A. I have referred to it in this language: That we do not approve of terror; that the Russian Soviet government claims extenuating circumstances, which may or may not exist; but I have said explicitly that we do not approve wholesale of everything that the Russian Soviet government has done, or all of its policies.

Q. But in spite of the things that you do not approve—

The Chairman.— I think we had better adjourn now. Mr. Hillquit is tired.

Mr. Conboy.— Let me finish the question, please.

By Mr. Conboy:

Q. I say, despite the things you do not approve of, you still approve of the Soviet government in Russia? A. The balance in our minds is in favor of the Soviet government in Russia.

Q. And that describes your attitude of sympathy toward that government? A. Absolutely.

Q. Eliminating the other considerations to which you have referred? A. I do not just exactly know what you mean by the last phrase.

Q. All right. Then we will stop at the point where you do not understand the question.

The Chairman.— Adjourned to 10:30 to-morrow morning.

(Whereupon, at 5:27 P. M., an adjournment was taken to Thursday, February 19, 1920, at 10.30 o'clock A. M.)

STATE OF NEW YORK — ASSEMBLY CHAMBER

In the Matter of the Investigation by the Assembly of the State of New York as to the Qualifications of Louis Waldman, August Claessens, Samuel A. deWitt, Samuel Orr and Charles Solomon to Retain Their Seats in Said Body.

THE CAPITOL,
ALBANY, N. Y., *February 19, 1920.*

Present:

Hon. Louis M. Martin,
Hon. George H. Rowe,
Hon. James M. Lown.
Hon. Edmund B. Jenks,
Hon. Edward A. Everett,
Hon. William W. Pellet,
Hon. Edward J. Wilson,
Hon. Charles M. Harrington,
Hon. Harold E. Blodgett,
Hon. Theodore Stitt,
Hon. Louis A. Cuvillier,
Hon. Maurice Bloch,
Hon. William S. Evans.

Appearances:

For the Judiciary Committee:
Charles D. Newton,
John B. Stanchfield,
Arthur E. Sutherland,
Elon R. Brown,
Martin Conboy,
Thomas F. Carmody,
Samuel E. Berger,
Archibald E. Stevenson,
Henry F. Wolff.

For the Socialists:

Morris Hillquit,
Seymour Stedman,
S. John Block,
Gilbert E. Roe,
William S. Karlin,
Walter E. Nelles.

LOUIS M. MARTIN, Chairman.

(The Committee met pursuant to adjournment at 10:55 A. M.)

The Chairman.— Proceed.

MORRIS HILLQUIT, resumed, testified as follows:

The Witness.— Before proceeding, Mr. Chairman, if you will permit me, I should like to make for the record a personal explanation on a matter brought out yesterday on cross-examination. I was asked by Mr. Conboy whether I had ever received any compensation for services from the Soviet government or its representative in the United States. I said: "No, at no time and in no form." Counsel then implied by his questions, at any rate, that they had a check in their possession — I presume a cancelled check — showing a payment to me by the Soviet government, which I denied. I notice from the morning's papers that counsel for the Committee are alleged to have given out a statement to the effect that they have in their possession a bill rendered by me to the Soviet Bureau for legal services, which bill they had seized, or it had been seized, at some time. My recollection of this bill — and it is pretty definite — is as follows: The bill in question, which was seized, was never rendered to the Soviet government or to Mr. Martens. It was dated about six months before there was any Soviet government and at least a year before Mr. Martens was appointed. It was rendered not to the Soviet government, but was rendered to one Mr. Nuorteva, who at that time represented an entirely different government, namely, the Finnish Socialist government. I had been retained by Mr. Nuorteva as counsel for that government, or for himself as representative of that government; and in the course of time I rendered a bill, which I believe was for three thousand dollars. Mr. Nuorteva expected large sums of money from this government, and in anticipation of that

he paid me one thousand dollars on account. A couple of weeks later the remittance from his government having failed, Mr. Nuortva asked me whether I would not loan him one thousand dollars for his ambassadorial purposes. I gave him one thousand dollars and said: "I will tell you; do not consider it as a loan, but as a repayment of the fee, and cancel my bill." That was acceptable to both sides, but in a couple of weeks, money still failed to materialize, and my ambassador asked me whether I could not advance another \$250, which I did.

In the meanwhile the Finnish Socialist Republic was overthrown and still owes me the two-fifty. That is the extent to which I received money from that government. When Mr. Martens was appointed he came to see me and offered me the same post, which I accepted, and he asked me: "How about your compensation?" I said, "Mr. Martens, from my dealings with the late Finnish Socialist government, I have learned that foreign governments, as paying clients, are not all they are cracked up to be; I would rather serve without compensation."

Both sides have since that stuck to that arrangement. I have served, and they have done the no compensating. So that my statement stands absolute. I have at no time received any money in shape, form or manner, as compensation for services or otherwise from the Soviet government or its representative in this country.

Mr. Conboy.—So far as counsel for the Committee are concerned, I may say that, as far as I knew, no statement was given out by counsel for the Committee to any representative of the press as to what proof was in our possession with regard to this matter. It may, however, have been inferred from the line of inquiry that was conducted here that such proof would be produced. Of course, we are not familiar as Mr. Hillquit is with his dealings with these governments, and that is as far as we can go, at this time. Except that I might make the inquiry of Mr. Hillquit if it is not a fact that the Russian government is in a better position financially than the Finnish government was.

The Witness.—It is in a better position, but it has very limited facilities for transmitting money to the United States.

By Mr. Conboy:

Q. It is credited with having a great deal of money in Russia?
A. Yes.

Q. But has not been able to get it over here? A. There are no methods of transmitting money from Russia to the United States.

Q. Mr. Martens himself has gotten money into this country? A. Very small and, comparatively speaking, insignificant sums.

Q. Would it amount to as much as \$125,000? A. Why, I fear not.

Q. Why do you fear? A. Because I should like to see him well equipped with money, and able to do his work.

Q. And also compensate his counsel, who deserves it? A. Not compensate this particular counsel.

The Chairman.— It shows somewhere he got \$90,000.

Mr. Conboy.— At that time.

Q. Is that the extent of the explanation you desire to make in that connection? A. That is all, Mr. Conboy.

Mr. Conboy.— Now, Mr. Chairman, we have had as part of the direct case the Lansing report with regard to Russia, and we have had the benefit of Mr. Hillquit's statements based upon such information as he has had about which he has been very complete and full in his testimony. Part of the information which was available to the American people at the time that these charges were drawn was this communication about which I partially interrogated Mr. Hillquit last night, which is contained in Senate Document No. 62, the third volume, beginning at page 1158; and as part of this cross-examination I desire to read the balance of this communication of Mr. Lockhart, which is not very long, so far as taking up time is concerned, and then Mr. Hillquit may deal with it as he desires upon his redirect.

I had gotten to the end of the fourth paragraph, and I continue from that point:

(Reading):

"5. The Bolsheviks have abolished even the most primitive forms of justice. Thousands of men and women have been shot without even the mockery of a trial, and thousands more are left to rot in the prisons under conditions to find a parallel to which one must turn to the darkest annals of Indian or Chinese history.

"6. The Bolsheviks have restored the barbarous methods of torture. The examination of prisoners frequently takes place with a revolver at the unfortunate prisoner's head.

“7. The Bolsheviks have established the odious practice of taking hostages. Still worse, they have struck at their political opponents through their women folk. When recently a long list of hostages was published in Petrograd, the Bolsheviks seized the wives of those men whom they could not find and threw them into prison until their husbands should give themselves up.

“8. The Bolsheviks who destroyed the Russian army, and who have always been the avowed opponents of militarism, have forcibly mobilised officers who do not share their political views, but whose technical knowledge is indispensable, and **by the threat of immediate execution** have forced them to fight against their fellow-countrymen in a civil war of unparalleled horror.

“9. The avowed ambition of Lenin is to create civil warfare throughout Europe. Every speech of Lenin's is a denunciation of constitutional methods, and a glorification of the doctrine of physical force. With that object in view he is destroying systematically both by executions and by deliberate starvation every form of opposition to Bolshevism. This system of ‘terror’ is aimed chiefly at the Liberals and non-Bolshevik Socialists, whom Lenin regards as his most dangerous opponents.

“10. In order to maintain their popularity with the workmen and with their hired mercenaries, the Bolsheviks are paying their supporters enormous wages by means of an unchecked paper issue, until to-day money in Russia has naturally lost all value. Even according to their own figures the Bolsheviks' expenditure exceeds the revenue by thousands of millions of roubles per annum.

“These are facts for which the Bolsheviks may seek to find an excuse, but which they cannot deny.

“Yours, sincerely,

“R. H. B. LOCKHART.”

The Chairman.—Who was Lockhart?

Mr. Conboy.—He was the English representative in Russia. He was the man who was referred to by Colonel Robbins as knowing more about the outer conditions in Russia than anybody, except Colonel Raymond Robbins,—that is, as the Colonel put it, he and Lockhart knew more about outer conditions than anybody

else; everyone else's information was obtained from Boulevard gossip and tea chat.

Mr. Block.— Mr. Conboy, have you the record in which Mr. Robbins made that statement?

Mr. Conboy.— Mr. Robbins' approval of Mr. Lockhart is contained in the same record, and this document was put in evidence before the Senate Committee of the United States. In view of the testimony of Colonel Raymond Robbins relative to the information of Mr. R. H. B. Lockhart, and that statement you will find on page 1158 of this Senate document, No. 62, third volume.

The Witness.— This is the fact, however, as to Mr. Lockhart, isn't it, that while Colonel Robbins refers to Mr. Lockhart as the only one who, in addition to himself, Raymond Robbins, has some direct knowledge of situations in Russia, Raymond Robbins disagrees with his observations and conclusions. In other words, the version given by Raymond Robbins of conditions in Russia does not agree with that given by Mr. Lockhart, although both of them are supposed to have had direct outdoor information.

Mr. Conboy.— I think we can subscribe to every word that you have said in that connection. I think you made it very plain yesterday that there are two kinds of reports that come out of Russia. One is the kind of report that you have accepted and upon which your testimony as to conditions there is based. The other is a contrary and antithetical set of opinions and upon that you have not based your testimony.

The Witness.— Quite correct.

By Mr. Conboy:

Q. Now, with reference to your insistence that there is no implied repugnancy between nationalism and internationalism in the Socialist concept, I direct your attention to the language of the Committee on War and Militarism, at the St. Louis Convention, of which you were either the drafter or one of the drafters. There occurs the following language therein: "The Socialist party in the United States, in the present grave crisis, solemnly reaffirms its allegiance to the principles of internationalism"— A. International socialism.

Q. Well, I am reading from notes that I made; but in view of your suggestion, I will turn to your book. Now, suppose you

follow it from this book and see if I read it correctly, and if I do not, you will please correct me, so that we may have it right. I will indicate the place.

Mr. Stedman.—Are you referring to the St. Louis Manifesto?

The Witness.—The St. Louis Manifesto.

Mr. Stevenson.—Page 51.

By Mr. Conboy:

Q. The first paragraph of this war program contains this language, or is in this language: "The Socialist party of the United States, in the present grave crisis, solemnly reaffirms its allegiance to the principle of internationalism and working-class solidarity the world over, and proclaims its unalterable opposition to the war just declared by the government of the United States." Do you contend that that paragraph is consistent with your statement that there is no implied repugnancy between nationalism and internationalism in the Socialist party concept?

A. The pledge, or rather the reiteration, of our adherence to the principles of internationalism in an international matter, such as war among nations, would be perfectly natural, because it is that particular point which at that particular time is emphasized. I would not exclude nationalism; I would not exclude true love of one's own country in any sense, any more than the internationalism of our administration, as expressed — or as it was expressed — at the proper time, in a general program for creating a League of Nations, of which the United States is to be a part, expresses repugnance to the principle of nationalism.

Q. Are you through? A. I am.

Q. I have expected to have you direct your attention in connection with the consideration of that question, to the fact that the United States at that time was at war, and while the United States was at war, the Socialist party of the United States was not pledging its support to the government of the United States, but reaffirming its allegiance to the principle of internationalism?

A. Yes. As it happens, this war was supposed to be carried on for the establishment of a sane and proper international order; but, Mr. Conboy, we might as well save time once for all by bearing in mind that the Socialist party was, and is — and I never denied the fact that it was and is — an opposition party, and an anti-war party, and was not in favor of this war

even after it was declared. Now, we have gone over that a number of times.

Q. And you consider the explanation which you have just made to be relevant and material to the question that I have asked you, do you? A. Absolutely, and if that is not the case and you have not understood it, let me re-phrase it in this way—

Q. I have understood it. I do not want to stop you from rephrasing it—. A. Pardon me, Mr. Conboy,—

Q. I am not going to prevent you from answering. You are going to answer to the fullest extent you desire; but I want to just enter a denial that I do not understand you, and I merely want to indicate that I directed your attention particularly to the things that I did, and asked you if, in your judgment, your answer was devoted to answering my question, because that will give me the state of your mind as to what my question means and what the proper answer is. A. Since your question, perhaps, conveyed the meaning to me wrongly, as you did not consider my answer sufficient, permit me to state it in this way: The Socialist party, assembled in St. Louis, immediately after the outbreak of the war, took this position: It recognized its duties to the United States. It recognized its duties to the United States as a Socialist party. In other words, it recognized its duties primarily to the people of the United States and, in the first instance, to the working population of the United States. It proceeded upon the assumption that the true wealth here of the people and the workers of the United States could and would be subserved by an order of international solidarity, and, therefore, at this time, when it was sought to set nation against nation in mutual slaughter, it proclaimed against the principles of adherence to an international order, or an order of international brotherhood; and for this reason it was that the principle of nationalism was in no way repugnant to internationalism, but rather supplemented it.

Q. Are you through? A. I am.

Q. Again, in that same war proclamation, there is the following language: "As against the false doctrine of national patriotism we uphold the ideal of international working class solidarity." Now, you believe in national patriotism? A. We do not believe in the false doctrine of national patriotism.

Assemblyman Cuvillier.— What is that?

The Witness.— We will come to that, Mr. Cuvillier. We do not believe in the maxim— My Country right or wrong. We

think that is an immoral doctrine. We think our efforts should be directed to making our country right at all times; never let it be wrong, and we do not believe that we must stick to it in its faults as well as in cases where it is right. We do not believe in the doctrine which was proclaimed and accepted during the war of — standing behind the President — accepted as a slogan, because we believe that in a democracy such as the United States was, at least until we entered the war, such a doctrine has no place; that the founders of this country, the framers of the Declaration of Independence, the framers of our Constitution never for one moment thought that the time would arrive when more than one hundred million persons making up this nation in a period of the gravest crisis of its existence would abdicate its own judgment, its own views, its own conceptions of right or wrong, or of its welfare, and place it all in the hands of one man, no matter how great, how wise, how omniscient he might be thought to be; because we believe that is the doctrine of monarchy and of autocracy and not the doctrine of a republic. So from this point of view we condemn what we call false patriotism — a number of jingle phrases created and put into circulation very often by persons who have sinister ends to subserve, and very often repeated by the thoughtless until they have lost their sense. We believe in the true doctrine of national patriotism as opposed to the false doctrine, that is, in the doctrine which holds that true patriotism consists in constant service to the people of the country and in constant endeavors to improve their conditions.

Q. You have referred to what you have been pleased to call the doctrine of false national patriotism, have you not? A. You know what I have referred to.

Q. Well, do you conceive that there are two doctrines, one of false national patriotism and the other of true national patriotism? A. Absolutely.

Q. I direct your attention that in this war proclamation this is the language — not false national patriotism — but as against the false doctrine of national patriotism we uphold the ideal of international working class solidarity; that is, I ask you if that language does not mean and does not so state that the doctrine of national patriotism is a false doctrine? A. I do not see anything in this language to change my previous answer from the point of view of the Socialists and the framers of this declaration

as I know it. The false doctrine of national patriotism meant the doctrine which I characterized a few minutes ago, the doctrine of, My Country right or wrong, the doctrine that it is the duty of each citizen to see to it that his country prospers at the expense of every other country in the universe.

Q. Now, the only other ideal that was set up in contrast to what you phrase as the false doctrine of national patriotism was the ideal of international working class solidarity; isn't that true?

A. That is absolutely true, and the ideal of international working class solidarity has been stated again and again in the literature of the International Socialist and Labor movements to be the ideal of a series of nations or countries covering the globe, each one free, industrially as well as politically, each one a Socialist republic, all of them together bound by ties of an International Federation of Nations, free nations, and international solidarity of working class governments all over the world.

Q. We were in the war at the time? A. We were.

Q. And you were distinguishing, were you not, between those people in this country who were, or intended, to support the government under what you called the false doctrine of national patriotism, and you were intending to point out to them that they should not be led away from the ideal of the international working-class solidarity by what you referred to as this false doctrine of national patriotism, isn't that true? A. We intended to convey the sense which the phrases you have read contained, namely, that we were by no means in favor of continuing the war for the extermination of any people anywhere; but that we were in favor of a condition of society,—an international condition of society in which all nations would be safe. To make it quite specific, we took the declaration of our President that we are not making war on the German people perhaps a little too seriously from the administrative point of view, but as far as we Socialists are concerned, we never considered it part of the duty of the American people to make war on the German people or the people of any country, or exterminate any people or any nation, or throw any people or any nation into misery.

Q. In answer to a question that was put to you by Mr. Evans at the close of the session day before yesterday you stated that if the Soviet government of Russia was to wage war on the United States and attempt to impose its form of government upon the people of this country the majority of whom were in favor of the

present government, that the Socialists of the United States would have no hesitancy whatever in joining forces with the rest of the countrymen to repel the Bolsheviki who would try to invade our country and force a form of government upon our people which they were not ready for and did not desire. I think I have stated your answer in response to that question not only with substantial but with literal accuracy. Do you recall any feature of the question or of your answer that is material that I have omitted? A. I do not.

Q. Then we may assume that I have stated it accurately, Mr. Hillquit? A. We may.

Q. And I presume that at this time after such reflection as you have given to the question and your response to it you do not desire to retract or modify in any way the answer that you made? A. I do not, at this time.

Q. Now how do you reconcile your answer to that question put to you by Assemblyman Evans with the language of the war program which you were one of the drafters or the drafter of as follows: "The only struggle which would justify the workers in taking up arms is the great struggle of the working-class of the world to free itself from economic exploitation and political oppression." A. I see absolutely no inconsistency between the two, Mr. Conboy. The only struggle in which the workers of America would be justified in taking up arms, according to Socialist conception, would be a struggle for their economic or political emancipation. But that would mean that the working-class of the United States as such must take up such warfare or struggle. It doesn't mean that a political party, no matter how advanced, in China or Japan or Russia or France could come here to the United States and impose a regime of what they may consider to be freedom; what they may consider to be emancipation upon the workers of the United States. The cardinal principle of Socialism has been tersely set forth over 70 years ago in this phrase: "The emancipation of the working-class must be accomplished by the working-class itself." That means not merely as a general proposition but also the emancipation of the working-class of every nation and every country must be accomplished by the working-class of that nation and that country. When the workers of the United States, representing a majority of the people of the United States, will be ready to say we want a Soviet government and

will have an opportunity to express that sentiment at the ballot box, then we will say we are ready to fight for it and if we are forcibly prevented from carrying out the will of the majority we will say we are justified in taking up arms for its support, but so long as the workers of the United States are not ready for any such form of government we maintain that no other force outside has any moral power which we will recognize to impose such form of government upon the workers of the United States.

Q. Are you through? A. I am.

Q. Now, I am going to ask you again how you reconcile the statement that you made to Mr. Evans, in the event that the Soviet government attempted to invade and impose its form of government on the people of the United States, the Socialists in the United States would defend this government, with your statement at the time that we were at war, not with the Soviet government, but with what I suppose you will admit was a capitalist government, the German Empire, that the only struggle which would justify the workers in taking up arms is the great struggle of the working class of the world to free itself from economic exploitation and political oppression. Did you consider the answer that you had made to be an answer to the question that I have asked you? A. Absolutely and completely; and if there is anything in it that does not seem to be to you responsive, I shall be glad to go over that particular phase of it.

Q. You not only in this particular declaration tell these people that this was the only struggle — the only struggle — which would justify them in taking up arms, but you went even further than that and you said in the concluding clause of this sentence, “we particularly warn the workers against the snare and delusion of so-called offensive warfare,” having that language in mind, do you still adhere to the answer that you gave to the question put to you by Assemblyman Evans? A. Yes. This phrase we particularly warned the working class against, the snare and delusion of defensive warfare, was introduced in the resolution from the floor of the convention and adopted by the delegates. It had a long history and a very definite meaning for the delegates and for the Socialists generally. It was used prior to this war, and had been a controversy in the Socialist movement of the United States and of all other countries, whether or not wars may be classed into defensive and offensive wars; the general conception being that if there is such a thing as defensive war-

fare, the Socialists would defend their countries and would support such wars. The question of theory was that if there really could be made such a distinction.

When this war broke out, in 1914, those who maintained that defensive warfare is an illusion had a very strong argument in support of their position. They said: "The Germans are fighting their war as a defensive warfare." That is what they claimed it to be. We do not admit this, but they claim it to be a defensive war, and their government has made that an issue and proclaimed it as such, and even the Socialists and workers of Germany have accepted it as such. The same applies to Austria.

Q. Just a second. You understand that the position of the Socialists was that although Germany was prepared for that war to the last button, this was defensive warfare, and they adhered to Germany for that reason? A. That absolutely was the reason why we spoke of snares and illusions in the theory of defensive warfare, because Germany did proclaim in loud tones, and consistently all through, that it was a defensive warfare. What Germany maintained was that rival commercial powers — and principally England — had first forced her to arm and then forced her into this war. The very fact, Mr. Conboy, that a proposition and theory seems so absolutely ridiculous to you, but was accepted in Germany by millions of Germans, including German Socialists and German workers, indicated what a number of Socialists wanted to express by this statement: that the term "defensive war" is very often a snare and a delusion. There was Belgium on the one hand and Germany on the other hand, with their positions so absolutely different as far as the history of their wars was concerned, both proclaiming to wage a defensive warfare. Now then, the Socialists took the position that in this war —

Q. Now, when you say "the Socialists took the position that in this war," will you please be a little more explicit and say what Socialists, and whether you are referring to the war after the United States entered it? A. The Socialists of the United States, through their representatives at the St. Louis Convention, or rather, to be more accurate, through the majority of such representatives, conceived of this war — the war which broke out in 1914, and which we subsequently joined in 1917 — as one in which the theory of the falsity of defensive warfare was best illustrated, because they said: "Every nation engaged in this war claims to wage a defensive war. They cannot possibly all be right. They cannot possibly all be defending each other;" the Socialists,

theory being that the war was just a result of industrial conditions and commercial rivalry in Europe, no matter in what guise it had appeared.

Q. And after the United States had gone into the war, you thought — or the Convention thought — it desirable particularly to warn the workers against the snare and delusion of so-called defensive warfare? A. It did not think it particularly desirable because the United States had entered the war, but once we issued the proclamation on the war and gave our entire views on the subject, this phase of it was thought proper to be included.

Q. That is, was it not tantamount, on the part of the Socialists — the Socialist Party, to a declaration that this, so far as the United States was concerned, was not a defensive war? A. It certainly was not a defensive war as far as the United States was concerned. A defensive war we call a war to repeal invasion. If this war, Mr. Conboy, in the Socialist conception, had been a defensive war — that is, a war forced upon the United States in an effort to repel an invasion in this country, or a threatened invasion — the Socialists would not have taken the position of opposition to the war, as they did. Their opposition was based in part upon this conception; that as far as the United States was concerned, probably more than a great many other nations, it was not a defensive war.

Q. It, therefore, comes down to this, does it not, Mr. Hillquit: That if, in the determination of the Socialists of the United States, any war in which the United States is engaged is a defensive war, the Socialists will help the United States; if it is not, in the conception of the Socialists of the United States, a defensive war, the Socialists will not help the United States?

Mr. Stedman.— I do not like the word “help.”

Mr. Conboy.— Well, I used it myself. You may suggest a better one. I like “help” because it is a simple word; it implies to my mind the idea that I want to express. Help the United States means to assist the United States in a war, so that the United States may be successful in the war. That is what I mean by “help,” and I think Mr. Hillquit understands it. A. I understand what you mean, but you will also permit me to use my own words in giving my answer.

Q. You have thus far used your own, Mr. Hillquit, and I assume you will do so without permission from this time on. A. The Socialist Party as a political party reserves to itself the

right to pass political judgment upon any legislation, any administrative act, any official act of the government. And it reserves to itself the right not only to approve in all cases but also to disapprove where it considers any act of the administration to be harmful or wrong. Just, Mr. Conboy, as we recognize the right to oppose a trivial law, an insignificant law because we think it wrong and to continue saying it is wrong, while obeying it after its passage, just as we maintain that right to criticize important acts of the government and even more so. The more vital and important the act for the people as a whole, the greater our right and our duty to scrutinize and criticize and if found false or harmful, to oppose. Now, then, bearing this thing in mind, that the position of the Socialist Party is that if this country should be invaded by a foreign country or threatened to be invaded so that a foreign will is attempted to be imposed upon the people of this country, it will be the duty of the people of this country to repel such invasions, and the Socialists would be among it. If, on the other hand, we engage in a war, which we Socialists do not consider as necessary, as forced upon us, which we consider as wrong and harmful, we as a political party, maintaining and entertaining those views, will oppose it and will oppose it by all legal means to the very end of our ability.

Q. Is that the end of your answer? A. It is.

Q. You understand that under the Constitution of the United States, if I recall correctly, the provision is to be found in Article 1, Section 8, Subdivision 11, Congress is given power to declare war? A. Yes.

Q. The Socialists, however, in the United States reserve to themselves, after Congress has, under the Constitution, declared war, whether they will or will not support the war, depending upon whether it is or is not, in their judgment, a defensive war? A. Well, we will have to distinguish there between the two features of support, Mr. Conboy.

Q. Do you think the question calls for a distinction? A. It does.

Q. If you do, you will give the distinction. I thought it called for an answer yes or no? A. No, it calls for a very definite distinction, and would be a very ingenious trap if it was not distinguished.

Q. I do not think that anybody in this room would feel that your suggestion that there was a trap in that question was justi-

fied. It is a plain question, based upon plain facts, largely upon your own testimony and in my judgment calls for a plain answer; but you may distinguish? A. Mr. Conboy, do not misunderstand me. I did not attempt to charge you with attempting to trap me. What I said is, if I were not to distinguish, then the question would turn into a trap. I do distinguish in this way: Support in the sense of recognizing the fact as to its legality, and the legal duties imposed upon it is one thing. Moral support, in the sense of advocating and approving of the act, is another. The Constitution authorizes the Congress to declare war. The Constitution also authorizes Congress to make laws — other laws. The Constitution of the State of New York authorizes the State Legislature to make laws. Now, heretofore, the general American doctrine,— legal, political and ethical — has been as follows: Until a law is passed, every citizen has a right to oppose it in every way and by every means. When it is passed, its concrete and positive provisions must be complied with. But the law, nevertheless, may remain a foolish law, and the people of the United States, and the minority of them, have a right to point out the fact that it is foolish or dangerous or unsafe or improper in any way, and have the right to continue propagating their views until such time as they can bring about the repeal of the law, and change of the policy, or a withdrawal of the enactment.

Now, we took exactly the same position with reference to the war. We recognized the Constitution authorized Congress to declare war, Congress has declared war. We did not deny the existence of the war. It was there. We did not deny the legality of the war. It was legal. We did not refuse to comply with any wartime laws. They were there on the statute books. We complied with them. We did not consider it our duty, under the circumstances, or even our right, to accept the war, or the declaration of war, as a wise act, as a humane act, because we did not believe it was either wise or humane, and we reserve ourselves the right to criticise it, to seek its speedy termination, and to make provisions against its possible recurrence in the future. That was our position.

Q. Now, do you conceive that to be an answer to the question I put to you, Mr. Hillquit? A. Don't you, Mr. Conboy?

Q. I conceive it to be your answer. A. Well, we both do.

Q. One of the matters to which you referred the other day was the freedom of the seas; do you recall that? A. Yes.

Q. I take it that in your judgment each country should have the right to sail the seas? A. Yes.

Q. I do not know whether you would go so far as to say whether a vessel bearing the flag of a country having the right to sail the seas was in effect regarded as part of the territory of that country? A. Oh, well, that would be a mooted question of international law, which I do not believe has very much direct bearing on the present subject. At any rate, I am not ready to pass definite judgment on that.

Q. When you speak of defensive warfare, was it, in your judgment, a defensive warfare in which the United States engaged in view of the announcement of the Imperial German Government on January 31, 1917, that all ships — those of neutrals included, met within certain zones of the high seas, would be sunk without any precautions taken for the safety of the persons on board, and without exercise of visit and search, followed by sinking, without such exercise of visit and search, and without such precautions being taken of American vessels encountered within such zone on the high seas? A. I have no desire to enter upon a controversy with you on the subject, Mr. Conboy. I will merely state that the Socialist position was that this did not constitute an invasion, actual or threatened, and that this did not call for a defensive warfare. We at no time either approved or condoned in any way the submarine warfare of the German Imperial Government. We fought it and called it barbarous and indefensible and savage in every way. But our position was that Europe at the time, as is well-known, was in the throes of the most savage warfare. As an incident of the European warfare, American commercial maritime interests were threatened, not alone passenger travel, because there was no passenger travel; there could be no object for passenger travel, but transportation of commodities. Now, while we recognize the right of American merchants to transfer and ship their commodities on the high seas at all times, the infringement of that commercial right at the time did not constitute in our view an invasion of this country such as called for a defensive warfare.

Q. In other words, to put it a little more simply perhaps, it is your opinion that when Germany, the Imperial German Government, made this announcement, that the United States was bound to accept it and obey it? A. Only to this extent: that I would accept the threat or say so, of a raving maniac on the street and not try to cross his path if I knew the street will be cleared after

a little while. We knew perfectly well that Europe was at that time a collection of just such homicidal raving maniacs, and they were doing homicidal maniacal things. We had no absolute necessity for being there or meddling with it. We could have taken the position as, for instance, the Scandinavian governments I believe did. They said, "It is an infringement of our rights, and when conditions are normal again we reserve to ourselves the right to secure proper amends and damages, but in the meanwhile we recognize the situation and will keep out of it." At any rate, the Socialists did not consider that the curtailment of this mercantile right, although it existed, was worth the sacrifices in human lives which our entry into the war entailed.

Q. In short your position is that we should, under those circumstances, have kept our vessels at home and not attempted to sail the high seas because of this threat that if we did attempt to sail the high seas the vessels carrying the American flag would be sunk without warning and without the right of search and seizure and without any precautions being taken for the lives of those on board. Your position is that we should have obeyed that demand on the part of the German government and waited until the German government had been brought to its knees by somebody else and then asked for some damages? A. The question as to what was proper policy at the time and the difference between your views and mine are immaterial in the matter. The fact of the matter is that we considered and still do consider that the situation was not expressly against us but as an incident of the insane war going on and did not warrant our entering the ring, and our sacrificing our treasures and our blood.

Q. In short, you did not include even what you refer to as defensive warfare? A. We did not consider that America was fighting a defensive war.

The Chairman.—Is there such a thing then in your code of theory as national honor?

The Witness.—Oh, yes, decidedly. There is such a thing as national honor; but we would not consider an issue raised, say in this case, for instance, where as an incident of the war going on, not between us and another party, but between certain third parties, our commercial interests are endangered, we would not consider it a question of our national honor. Suppose there had been no war between Germany and England and France, and

so on. Suppose without any war of any kind Germany would say, "We will not tolerate American ships on the high seas except with our permission and license." Then we might concede that the question of national honor is involved, and it is up to us to maintain our national rights. But here we know perfectly well that no insult was intended against the United States. They were fighting there between themselves and not allowing anybody to come within the fighting zone but simply giving warning that they would be blown up, and for this reason it was neither a point of national honor nor a point of national defense, making it clear at all times, however, that we Socialists were among the strongest denunciators, condemnators of the German submarine policy.

Assemblyman Cuvillier.—When you became a citizen you took the oath to support the Constitution of the United States, didn't you?

The Witness.—Yes.

Assemblyman Cuvillier.—And to abide by the laws?

The Witness.—Sure.

Assemblyman Cuvillier.—When you stated in response to a query of Mr. Conboy as to false national honor—

The Witness.—False national patriotism.

Assemblyman Cuvillier.—Patriotism, you said you didn't get behind the President. You know, the Constitution of the United States says that at the time of war the President is Commander in Chief of the Army and Navy?

The Witness.—If the Constitution had said at times of war the President is the only person in the United States who is to do all the acting and thinking and is the only person who can know what is good or what is bad, your objection would be valid, but the Constitution does not say so.

Assemblyman Cuvillier.—It says, in time of war that he is the Commander in Chief.

The Witness.—He is, undoubtedly.

Assemblyman Cuvillier.—And as Commander in Chief Congress gave him the power, and it is the duty of every citizen to get behind the President. And you said you did not get behind him.

The Witness.— Let us get that clear. The Constitution makes the President the Commander in Chief of the Army and Navy. If the President had issued a command or order with reference to the Army or Navy, the Socialists of the United States being in the Army or otherwise would not oppose it, but recognize his constitutional authority and obey it, but that constitutional authority of the President to be Commander in Chief of the Army and Navy does not make the President of the United States the sole judge as to the welfare of the country and does not make it incumbent upon you or me or any other citizen to abrogate his own judgment and to follow the President blindly in all his policies.

Assemblyman Cuvillier.— It is not a question of policy. It is your duty. It is not a question of policy.

The Chairman.— Proceed. Excuse me for interrupting you.

Mr. Conboy.— That is all right, Mr. Chairman.

By Mr. Conboy:

Q. I presume in the answers you have given to my questions you did not consider the sinking of ships off Cape Cod as constituting a menace or invasion of the United States? A. I did not. By the way, Mr. Conboy, before we leave the last question, do you refer to the submarine boats — the submarine attacks — after we had entered the war, in your last question?

Q. I am not sure that there were any submarine attacks off Cape Cod after we entered the war, but there were some before we entered the war; and the German submarines were practically using that base for their operations against other countries. You may have read that at the time. A. My recollection was not.

Q. After we entered the war, the German submarines did not get as far as Cape Cod; but before we entered the war, they had got to Cape Cod and sunk vessels off Cape Cod. Now, do you think that the machinations of the German government in its endeavor, through its representative in the United States — its ambassadorial representative at Washington, — to stir up war between the United States and Mexico, made the war between Germany and the United States a defensive war in which Socialists ought to have engaged to support the government? A. I do not. I think the incident you refer to was a perfectly insane, ridiculous and childish attempt on the part of some very unin-

formed, silly person in the German government to create a secession in the United States at the instance of Mexican intrigue. I think it was a ridiculous incident. I think the chasing of the German Ambassador from here would be quite sufficient to answer all purposes. It did not justify war.

Q. All of these things were either, in your judgment, insane or ridiculous, and whether insane or ridiculous, the United States should not have paid much attention to it? A. Not all of the things, but the things that you mentioned, which I characterized as I did.

Q. Very good. Now, you referred, the other day, in your direct examination, to Socialists as not being pacifists. You remember that? A. I have.

Q. On page 629 of the printed record there appears a form, for which the national office of the Socialist Party, at 803 West Madison street, was billed for one thousand copies. It is the form of an exemption blank, and the form of that exemption blank contains these paragraphs—I am reading from page 630 of the printed record—“I do solemnly affirm that I am a member in good faith and good standing of the Socialist Party of America and Local Cook County Branch blank, which, on the 18th day of May, 1917”—as you know, Mr. Hillquit, that was the day on which the Selective Service Act was adopted, and it was the day or date on which those claiming exemption on the ground that they were conscientious objectors to war were required to show that they were members of a religious sect or organization, which had conscientious scruples against participating in the war; so that that is the significance of that date—“I am a member in good faith and good standing—of the Socialist party of America, Local Cook County Branch blank, which, on the 18th day of May, 1917, was organized and existing as a well-recognized organization, whose principles forbid its members to participate in war; and I hereby affirm that this fact entitles me to exemption under the provisions of Section 4 of the Selective Service Law.” And further on in the same blank there is this further affirmation by the person who is to sign the blank, of which these one thousand copies were billed to the national office of the Socialist Party.

Mr. Stedman.—You are not reading from the treasurer's record, are you?

Mr. Conboy.— I have not access to the treasurer's record.

Mr. Stedman.— What are you reading from?

Mr. Conboy.— I have indicated what I have read from. I have read from pages 629 and 630 of the printed record in these hearings; and if you will turn to those pages I think you will find that I have read them correctly.

The Chairman.— Go ahead.

Mr. Conboy.— Now I go on to page 630, and I quote you this paragraph from the same exemption blank.

Mr. Block.— Pardon me just a moment for interrupting. You refer to those pages of this record, but on those pages I believe you intend to indicate that the matter you are quoting from is taken from the testimony of a certain witness in the Berger case in Chicago. Is not that so, Mr. Conboy? Does not that appear on the sheets you are reading from?

Mr. Conboy.— I am going to read and then I will try to answer Mr. Block's question as well. (Reading).

“ I do further solemnly affirm that the creed and principles of said Socialist Party of America forbid its members to take part in war, and submit as evidence ” —

(Discussion off the record.)

Mr. Conboy.— Now, Mr. Stenographer, will you please read to me what I did read, so that I may continue with my question?

(Last quotation read by the stenographer.)

Mr. Conboy: (Reading):

“ Article 2, Section 7, of the National Constitution of the Socialist Party of America, which said constitution was adopted August 3, 1915, and which reads as follows:

“ ‘ Article 2, Section 7. Any member of the Socialist Party, elected to an office, who shall in any way vote to appropriate moneys for military or naval purposes, or war, shall be expelled from the party ’.

“ I do further solemnly affirm that my creed and convictions are absolutely in accord with the principles of said Socialist Party as herein set forth and that I cannot conscientiously become a party to any war.

“I do hereby bind myself to report in person to notify the said Local Board, at once, whenever these conditions, now entitling me to discharge, cease to exist.”

Are you familiar, Mr. Hillquit, with the preparation and distribution of these so-called exemptions blanks, setting forth that claim for exemption from military service on the ground of membership in the Socialist Party upon the theory that its creed and convictions were such that its principles forbade its members to participate in war? A. I know of them, having learned of them in the course of and conjunction with the Berger trial. Whether these particular planks were billed to the Socialist Party or not I do not know. There certainly was no authority to order such planks by any representatives of the Socialist Party. No part of the proceeding to which you have referred, Mr. Conboy —

Q. Excuse me, Mr. Hillquit. A. Certainly. I say, no part of such proceeding was sanctioned or the consent of either the **National Executive Committee** or of any authority within the Socialist Party was given. As I understand it, a group of boys, partly members of the Young People's Socialist League, and partly not, got up this sort of form and had it printed and had it circulated. Inasmuch as that circular lays claim to conscientious objections to war based on membership in the Socialist Party, such claim is incorrect and unjustified. Inasmuch as this circular states that the Socialist Party is opposed to war on principle in the sense of religious principles, if there is such implication in this circular, it is wrong. The opposition of the Socialist Party to war is stated completely, fully and clearly in the St. Louis Manifesto and in the various other proclamations and statements of the Socialist Party which you have read.

It is based upon the conviction that modern wars, with very few exceptions, are bred by commercial rivalries and fought for the interest of the possessing classes.

(Discussion off the record.)

Q. What explanation did you wish to make in that respect? State it on the record with respect to the suggestion made that there were members of this Assembly, of these five members of the Assembly, there were claims made for exemption from military service. A. I can answer it.

(Discussion off the record.)

The Witness.— You have on the record as follows: There is absolutely no attempt made to connect anyone of the five Assemblymen here with these petitions or the signing of any of them,— You have different testimony to this effect;— that some time prior to our entering, and long prior,— is not stated, because the date is not given; two of these Assemblymen had signed a pledge which was then circulated by the Anti-Enlistment League, to the effect that they would not voluntarily enlist, which was a long time before the war, or before we joined the war, and had nothing whatsoever to do with this particular circular.

Assemblyman Cuvillier.— A distinction without a difference.

The Witness.— As far as you are concerned it will be pretty hard to make you see the difference in anything.

Q. The only other inquiry that I care to make directly in connection with the matter which you have just testified about is, if I sum up your testimony in this respect correctly, it was not a justifiable position for any member of the Socialist party to take, that is, the position that would have been indicated by filling out of the making of claims contained in this proposed exemption blank. A. To the extent to which I have mentioned it, that is claimed, objections on conscientious grounds based on membership in the Socialist party, was not justified; and also that this circular was not authorized by the Socialist party.

Q. Now, you know definitely of your own knowledge that it was not authorized or else you would not have said so. A. I do very decidedly. I was a member of the National Executive Committee at that time.

Q. You say that these exemption blanks were prepared by some young boys in the Young People's Socialist League? A. Some of them I said being members of the Young People's Socialist League. That is the information I subsequently acquired.

Q. And the Young People's Socialist League had a National Secretary, didn't it? A. It did.

Q. Do you know what his name was? A. Kruse, I believe, at the time.

Q. William F. Kruse? A. Yes.

Q. That Young People's Socialist League was part of the Socialist party, wasn't it? A. It was not.

Q. And what was known as yipsels, Y. P. S. L.? A. That is the Young People's Socialist League; it was not part of the party.

Q. Is it part of the Socialist movement? A. It is part of the Socialist movement in the broad sense of the unorganized movement, yes, sir.

Q. It was itself organized? A. It was independently.

Q. And it also had the approval of the Socialist party? A. The movement had the approval of the Socialist party.

Q. And the organization known as the Young People's Socialist League had the approval of the Socialist party. A. It did.

Q. Where were the officers of the Y. P. S. L.? A. The National Secretary of the Young People's Socialist League had an office in the headquarters of the Socialist party of the United States.

Q. That is, his office was in the headquarters of the Socialist party of America? A. Correct.

Q. And was Kruse also in the Socialist party of America? A. I think he was. You mean personally, whether he was a member?

Q. Yes, sir. A. He was.

Q. Wasn't he one of the defendants who was tried along with Victor Berger? A. He was.

Q. And convicted? A. He was.

Q. For a violation of the Espionage Act? A. Yes.

(Discussion off the record.)

(Adjourned to 2 o'clock P. M.)

AFTER RECESS, 2:15 P. M.

By Mr. Conboy:

Q. In connection with the line of inquiry that I was directing your attention to, Mr. Hillquit, before adjournment, I show you Exhibit No. 1 in this case which is the National Constitution and platform of the Socialist Party, 1917, and direct your attention to Article 14 under the head of "Young People's Socialist League," and ask you if the provisions of the constitution to which I have just directed your attention help to refresh your recollection as to what the status of the Y. P. S. L. so-called was with regard to the Socialist Party of America? A. That particular article does not help to refresh my recollection because my recollection was perfectly good on the subject before and is only confirmed by this statement.

Q. Now, I read these three provisions into the record at this time. Article 14, headed "Young People's Socialist League" Section 1. The work of the Young People's Socialist League in the national field shall be under the —

Mr. Block.— This has been amended, you know. You are reading from the old unamended constitution so you better read from that ballot.

Mr. Conboy.— When was it amended, Mr. Block?

Mr. Block.— It was amended recently.

Mr. Block.— The —

Mr. Stedman.— The amendment was passed at the Chicago convention, last August, and that went up for amendment and was passed.

Mr. Conboy.— I am dealing with the activities of the Young People's Socialist League in the year 1917, at the time that the exemption blank was prepared. I presume that inasmuch as these provisions were not eliminated until 1917, they were in force in 1917?

The Witness.— They were in force at the time, Mr. Conboy.

By Mr. Conboy:

"Section I: The work of the Young People's Socialist League in the national field shall be under the control and direction of the Socialist Party.

"Section II: Branches of the Young People's Socialist League shall be under the control of the city, county or state organizations, and must in all cases work in harmony with the constitution and platform of the city, county or state organizations of the Socialist Party.

"Section III: The Young People's Socialist League shall be entitled to elect one fraternal delegate, having a voice but no vote, to the National Convention. He shall receive railroad fare and per diem from the party, the same as regular delegates?"

The Witness.— Now, Mr. Conboy, my statement in response to your former question was that the Young People's Socialist League is not a part of the Socialist Party. To that I adhere.

The Young People's Socialist League has its own membership, paying dues to the league as such, and not to the party, and having an organization locally, by states and national; all of its own choosing, without interference on the part of the national party. The Socialist Party, when this constitution was framed, assumed to provide headquarters for the National Secretary of the Young People's Socialist League, and to pay him a salary, on condition, or so long, rather, as the Young People's Socialist League would, in its policy, conform to the policies of the Socialist Party. It is not, and never was, an organic part of the Socialist Party.

Q. You understand, however, that this communication with the Socialist party, if I may so refer to it, is as set forth in the three sections which are all the sections of Article 14 of the Constitution — the National Constitution and Platform of the Socialist party as it was in 1917 and continued to be until very recently? A. Correct.

Q. Now, I direct your attention to a communication written by the National Secretary of the Young People's Socialist League under date of June 14, 1917, to Mr. A. L. Trachtenberg, care of the Rand School of Social Science, 140 East 19th street, New York. This communication will be found at page 625 of the printed record. The second paragraph of it will be found there. The whole communication is as follows: "Dear Comrade Trachtenberg"—and this is the same Mr. Trachtenberg who is the director of the Bureau of Research who was referred to in your testimony yesterday, is it not? A. It is.

Q. "Dear Comrade Trachtenberg: Copies of resolutions to be included in your pamphlet have been received here. Thank you very much for your prompt response. Please let us have sample copies of this for review as well as prices either singly and in quantities. Just as soon as form is out you may count on some free press agent work at this end. I am now working on an article giving the reasons why Socialists claim conscientious objection to military service, which is to make quotations from these resolutions, and that is why Comrade Germer and I sent you that urgent telegram." Now, who was Comrade Germer? A. Presumably Adolph Germer, secretary of the Socialist Party at the time.

Mr. Sutherland.—In the record at page 625 that name appears "Comrade Gerber." It should be changed to "Germer."

Q. It is Germer, is it not? A. It is Germer.

Q. Do you believe that there can be such a thing as coalition between Socialists' representatives and others in connection with the conduct of a government? A. I don't believe that there can be a fruitful coalition as a permanent institution from the Socialist point of view. I believe that coalition between Socialist representatives and representatives of other liberal or progressive parties on particular issues is possible, and in some cases very desirable.

Q. In the minority report, which will be found in the printed record, page 326, the following is contained (reading):

“When leading Socialists join their national government upon a coalition basis, they accept and sanction policies which hinder Socialists and the working class generally from taking full advantage of the opportunities for deep seated change which the war creates. This makes the workers content with superficial reformist changes which are readily granted by the capitalist class as a means of self-protection from the rising tide of working class revolt.”

Is that in line with the answer that you have just given to the question I have just asked you? A. It is, because it has in mind lasting coalitions in which, as a rule, Socialist representatives are in the minority, and in which, as a rule, they accept and have to accept the policies of the non-Socialist majorities in the government, which policies mostly are of a reactionary character.

Mr. Stedman.—From what were you reading?

The Witness.—The minority report.

Mr. Conboy.—The minority report which was accepted—

The Witness.—Under referendum.

Mr. Conboy.—By a majority vote recently.

Q. In your definition and exposition of the International Socialist revolution, I do not think that you told us how it was contemplated that this revolution would be accomplished. You defined revolution for us as an accomplished fact, whereas the French would say, in fait d'accomplis. You also defined “Socialist” in the phrase “Socialist-revolution,” and you gave some attention to the use of the term “International” in making up

the phrase "International Socialist revolution." I take it from your statement that you are a moderate Socialist, which is a phrase which you used, Mr. Hillquit? A. Not in application to myself, Mr. Conboy.

Q. At least, you are one of them? A. I am a Socialist. I think socialism, as a whole, is a moderating factor in modern civilization.

Q. Well, did you not speak of yourself as a moderate Socialist? A. I did not.

Q. I cannot turn immediately to the record in which you are reported as having used that phrase. My recollection is that you did say that you were a moderate Socialist. A. Why, I think there was a somewhat facetious remark, if I am not mistaken, in which I referred to Mr. Cuvillier and myself as moderates. I consider myself a Marxian Socialist, with all that that implies.

The Chairman.— I think that covers it.

Q. You consider yourself to be what you call a constructive Socialist? A. I think every Marxian Socialist is of necessity a constructive Socialist.

Q. In "The Socialist Task and Outlook" article, which was read before the Committee the day before yesterday, and which will be found at page 2488 of the typewritten record — this consists of a letter that appeared, or an article that appeared, in the New York Call of May 21, 1919 — I think you were here in the Chamber when it was read? A. I was.

Q. In that you say: "Shall the working class immediately assume the sole direction of the government as a working class government or shall it share governmental power and responsibilities with the capitalist class, at least during the period of transition" — the period of transition being the period while the government is going over from the capitalist class to the working class. That is what that means, does it not? A. Yes.

Q. Now, having asked that question, you answered as follows: "While the question involved is primarily one of power, to be determined in each country, according to the conditions existing at the critical moment, there can be no doubt about the stand which the Socialist International must take on it. In all cases in which the proletariat of a country in revolution has assumed the reins of government as a pure working class government, determined upon the immediate socialization of the country, the true Socialists of all countries will support it. Whether we

approve or disapprove of all the methods by which such proletarian government has gained or is exercising its power is beside the question." If, in any given country — I am now attempting to apply the language which you employed in this article — if, in any given country, a proletarian government had been established, let us assume, by force and revolution, does not that language imply that true Socialists of all countries must support that government? A. In the first place, Mr. Conboy, you have not read the whole statement.

Q. You may read, Mr. Hillquit, any other parts of the statement which, in your judgment, are necessary to supply the coherent context? A. I shall read as follows: "The first lesson to be drawn."

Q. Where is that with respect to — A. Just above the portion which you began reading. It is the beginning of the paragraph of which you read a part.

Mr. Conboy.—I said that portion of Mr. Hillquit's article that I read was from page 2488. It is 2448 of the typewritten record.

Q. And now, Mr. Hillquit, I have it before me. A. Yes. I want to read the entire paragraph of which you have read a part, and which reads as follows: "The first lesson to be drawn from recent experiences and failures of the old international applies, of course, mainly, if not exclusively, to the countries still remaining under capitalist class control."—

Q. Just a second. I won't interrupt you again. That in the typewritten record appears to be a different paragraph, but it is the paragraph which immediately precedes the one I read, and the first word is not "the," but "this?" A. I said this.

(Reading): "In the countries that have passed or are passing through a régime of Communist or Socialist government, the problem presents itself in a different and more advanced form. Shall the socialization of industries and national life be attempted by one master stroke, or shall it be carried out gradually and slowly?"

So that, when you read the entire paragraph, and not a portion, only the problem which I have put is not a problem that applies in any way to the Socialist movement of the United States, but is limited exclusively to such countries as have passed or are passing to a régime of Communist or Socialist government.

In other words, it applies to Russia, to Germany, to Austria, to Czecho-Slovakia. For them I say, and for them only, the question is whether the socialization of industries shall be applied by one stroke, or shall be attempted gradually. I put the problem in this way, because, in these countries, this is the issue between the old style socialization of the Ebert-Scheideman type, and the more advanced portions of the Socialist movement.

So that we will understand this question as to whether the socialization of industry shall be attempted by one stroke that is not applied to countries other than those I have mentioned, that is those who have passed or are passing to a Socialist régime.

Now, with reference to the next portion, the duty of the Internationale to support those parties that stand for a working-class régime, means, concretely, that in my conception, the Socialist Internationale should support, in Russia, the party which advocates the socialization, and as rapidly as possible, of the industries, the communist party. In Germany, under the Ebert-Scheideman party, which has been derelict in attempts to nationalize industries, but the party represented by Kautsky, Haase — Haase died recently — was represented by the independent socialists generally. So, likewise, in the other countries. You have asked me what processes do the Socialists contemplate in bringing about the revolution, didn't you.

Q. That was in my mind. I think that what I particularly asked you was this. I read you this portion of your statement: "While the question involved is primarily one of power to be determined in each country according to the conditions existing at the critical moment, there can be no doubt about the stand which the Socialist International must take on it. In all cases in which the proletariat of a country in revolution has assumed the reigns of government as a pure working-class government determined upon the immediate socialization of the country, the true Socialists of all countries will support it?" A. Absolutely.

Q. "Whether we approve or disapprove of all the methods by which such proletarian government has gained or is exercising its power is beside the question." A. That is correct.

Q. And I put the inquiry to you if that did not oblige international Socialists to support any government established by proletariats of the country even though that government was imposed upon the people of the government by revolution? A. Well, of course, my answer would be that the Socialists do not contemplate the possibility of the condition in which the prole-

tariat as a minority could impose its regime upon the country at large and assumes that in all countries in which the proletariat is in control, the proletariat is substantially in the majority. Once you have broached the very interesting and important question as to the Socialist's views or methods of bringing about the revolution which we advocate, I think we might as well clear up that question for the record. The Socialists recognize —

Q. Would you before you clear up that question for the record, and I have no desire to stop you from doing so, would you permit me to ask you one or two questions? A. Certainly.

Q. Which occur immediately out of your answer and I think will be directed to ascertaining what your position is. Do I understand from your answer to my question that if by any chance a proletarian minority in the country did by processes of bloody revolution assume the reins of government, the true Socialists of other countries would not support it? A. We cannot place the question or hypothesis in this way because the Socialist philosophy excludes such a hypothesis. Attempts by minorities to overthrow their government by force have been time and time again condemned by the Socialist movement and by its founders. The principal reason for the breakup of the first International was the position on the part of Carl Marx and his friends, the founders of modern international Socialism, to the attempts of the Bakouninites to create such revolutions of minorities in Spain and elsewhere. The Socialist position is that we have outlived the period of political conspiracies; that in our day and generation political changes evolve through economic conditions and that a change in the fundamentals of the government can only be accomplished when that country is ripe for it which means ripe industrially and ripe also in having a sufficient social force to accomplish it,— a class conscious, determined, educated, organized, working-class representing a majority of the population. So that when you ask me the hypothesis whether Socialists would condemn a regime brought about by a minority, a minority of the proletariat which had acquired control by force, I say such hypothesis we must exclude as being opposed to the Socialist doctrine and philosophy.

By Mr. Conboy:

Q. I do not mind your excluding my hypotheses from your answers, but you will permit me to include my hypotheses in my questions? A. Certainly.

Q. And I, therefore, ask you again: Assuming that a proletariat minority in a country had assumed the reins of government by the process of a bloody revolution, would the true Socialists of all countries support it? A. As you said, Mr. Conboy, you won't prevent me from excluding your hypotheses from my answers. I shall not prevent you from excluding my hypotheses from your questions; but I shall respectfully decline to answer that question on the basis of that particular hypothesis.

Q. All right, that is an answer. You decline to answer it, and I take it that your declination to answer it is upon the grounds that you have already stated? A. On the grounds that your hypothesis is an impossible one.

Q. Now then, the next sentence in your article that follows that portion of your text, to which I have just referred, is as follows: "Where we approve or disapprove of all the methods by which such proletarian government has gained or is exercising its power, is beside the question." Now, when you say whether you approve or disapprove of all the methods is beside the question, you mean in that particular context is beside the question of whether true Socialists of all countries will support the government, don't you? A. Whether it is deserving of support. What I had in mind particularly, that will illustrate my thought well, is the Soviet Government of Russia.

Q. Well, now, Mr. Hillquit, of course, I do not want to deprive you of the right of repeating your statements over and over again, but you see the refusal to answer my questions and the saying of something else imposed upon me the necessity of reasking the question. You inquired of me, just before this session, about how long I would take to finish your cross examination, and you told me — A. Never mind, Mr. Conboy.

The Chairman.— I do not think that is relevant. Go ahead with your question.

A. Mr. Conboy, please do not consider yourself constrained in any way to limit your cross-examination. Go to the end.

Q. I would like you to answer that question and tell me whether the context that you had in mind, in that sentence that I have just read to you, "whether we approve or disapprove of all the methods by which such proletarian government has gained, or is exercising, its power, is beside the question," whether or not that question was that the Socialists of all countries would

support such a government. A. You would have had your answer very complete, very unambiguous, if you had allowed me to make it when you asked it. What I said was that in drafting this particular clause I had in mind a very complete situation which will answer your question, the situation in Russia.

Q. I will not interrupt you again. Go ahead. A. What I meant to say was that there may be some doubt whether the Soviet government in dispersing, for instance, the constituent assembly, and taking over the government as a minority of about 40 per cent. of the constituent assembly was justified; that may be a question, and may be one that could be seriously debated. Whether or not certain acts of the Soviet government, which they admit and which they tried to explain — such as the terror to the extent to which it existed; suppression of the press to the extent to which it existed, and suppression of other popular rights — whether they are compatible with our ideal of even a temporary proletariat regime may be the subject of doubt and question. But once we recognize that the present Soviet government represents the will of and is acquiesced in by the proletarian population — the workers and peasants of Russia, constituting practically all of Russia — it is our business to support it against attacks and against aggression and against external intrigue of all kinds. If a similar situation should arise in any other country, our position would be exactly the same.

Q. Now, have you finished the answer that you desired to give to the question I asked you? A. I have.

Q. You have referred to certain features of the manner in which the present government in Russia assumed control as constituting a debatable ground as to the propriety of means. Am I correct in my summarization of that feature of your answer? A. You are.

Q. Will you be good enough to tell this committee whether it is not a fact that immediately after the fall of the Kerensky regime an election was held in Russia? A. It is not. It was during the existence of the Kerensky regime that the election to the constituent assembly took place.

Q. As a result of that election, whether held during the Kerensky regime, immediately after its fall, or not, the Bolsheviks obtained a representation of only 40 per cent? A. Approximately.

Q. Approximately 40 per cent. in the constituent assembly? That was a minority representation? A. It was.

Q. Is it not a fact that thereupon the constituent assembly was dissolved? A. It was.

Q. Is it not a fact that the political parties which constituted the majority of the members returned to this constituent assembly were thereafter declared to be counter-revolutionary? A. They were not allowed to meet. I have no recollection of their having been declared counter-revolutionaries.

Q. They were not allowed to meet? A. They were not allowed to meet.

Q. And was the refusal to permit them to meet not based upon the fact that they were characterized as counter-revolutionists? A. I do not recollect whether that particular characterization was applied. The justification on the part of the Soviets, which I do not necessarily endorse, but give their statement, was this: That the election to the constituent assembly had taken place during the Kerensky regime and was based upon a platform which had fallen to the ground with the overthrow of the Kerensky regime; that the constituent assembly thus elected did not represent the sentiment in the November days of 1917, but of the pre-revolutionary days, and was, therefore, no longer representative of the sentiment of the people of Russia. The Communist party representatives in the constituent assembly thereupon placed a certain ultimatum before the convention (1) to recognize the principle of the Soviet government, "all powers to Soviets" was the expression. The other for immediate peace and the third for the immediate distribution of land; and it was upon a division of these issues that they dissolved the constituent assembly. Now, I say their interpretation was that the constituent assembly was no longer representative since it had been elected under a different regime. I am not justifying one side or the other. I say it is a debatable question.

By Assemblyman Evans:

Q. Who was it that assumed to judge what was the popular sentiment in November, 1917? A. The representatives of the Communist party, who were then in control of the government, assumed that power. It was a revolutionary act.

Q. Do you believe they were justified in making such assumption? A. That, Mr. Evans, I do not know, and I do not suppose history will be able to form a judgment so very soon about it. If it had been in normal times, a question of, say, parliamentary rights, I would say certainly, it was a violation of such rights.

This was a revolution following upon another revolution, and revolutions, as a rule, create their own laws. It is not impossible, at least, theoretically speaking, that some representatives of the Bolshevik party might have found common ground with the other parties, which were also Socialist parties in the constituent assembly, and struck some satisfactory arrangement, and it is not impossible that that would have saved Russia a lot of misery and suffering, but I am not competent to judge. I give merely the two sides to indicate that it is a debatable question.

By Assemblyman Cuvillier:

Q. Mr. Hillquit, since Kerensky and Trotzky had charge there has never been a free election there? A. You mean Lenine and Trotzky?

Q. Yes, sir. A. Oh, yes, there is free elections every three months.

Q. Have they? A. Yes, sir.

By Mr. Conboy:

Q. You do not know, as I understand from your testimony, whether or not the political parties which constitute the majority of the members that were returned to this constituent assembly were declared to be counter-revolutionary? A. I have no recollection of that particular phrase being applied to them at that particular time.

Q. And who dissolved that constituent assembly? A. The delegates of the Assembly representing the Communist party or say the Communist party.

Q. And they were 40 per cent approximately? A. They were about 40 per cent of the total.

Q. And who was in charge, or who was the leader of that representation in the constituent assembly? A. Nikolai Lenine.

Q. The present premier? A. The present premier.

Q. Now, since that time he has been successful, has he not, and his Communist party in Russia have been successful in retaining control of the government? A. He has.

Q. And he has maintained an army, among other things, has he not? A. Not for the maintenance of his government at all.

Q. I did not expect you to say that it was for the maintenance of his government, but at any rate, he has maintained an army? A. He has maintained an army, or rather the Soviet government has maintained an army.

Q. But that army, according to you, is not maintained for the maintenance of the Soviet government? A. No, it was created to repel certain counter-revolutionary attacks, and certain external aggressions.

Q. Now, when you speak of certain counter-revolutionary attacks that that army was created to repel, won't you tell the Committee what you mean by that statement? A. I mean particularly such movements as were headed by Admiral Kolchack, General Denekin, General Yudernich. In earlier times, General Alexavias, Kroskov, and others of the same type.

Q. So that the Soviet government of Russia has not hesitated to utilize its army for the purpose of putting down in Russia what you have referred to as counter-revolutions headed by these men, has it? A. It has not.

Q. How long has Victor Berger been a member of the Socialist party of America? A. Victor Berger has been a member of the Socialist party of America since its creation in 1900.

The Chairman.—In that connection, Mr. Conboy, with that suggestion about this Russian situation as to the army, I was noticing the decrees and constitution. I suppose this decree is in force yet, section G?

Mr. Conboy.—The one with respect to the occupation of territory by the military?

The Chairman.—No, chapter 2, section G (reading): "For the purpose of securing the working class in the possession of complete power, and in order to eliminate all possibility of restoring the power of the exploiters, it is decreed that all workers be armed, and that a Socialist Red Army be organized and the propertied class disarmed." That is in force.

The Witness.—I don't know as you would call it in force, Mr. Chairman. This was not a law of affirmative character, but a decree applicable to conditions at the time. Now, the working class, as a whole, is not armed, and the revolutionary army referred to has been organized since.

The Chairman.—Page 148 of the same law, Soviet Russia, section 19 (reading): "For the purpose of defending the victory of the great peasants and workers' revolution, the Russian Socialist Federal Soviet Republic recognize the duty of all citizens of the Republic to come to the defense of their Socialist fatherland, and

it, therefore, introduces universal military training. The honor of defending the revolution with arms is accorded only to the workers, and the non-working elements are charged with the performance of other military duties." That is the situation, isn't it? A. That was the decree. It is not the situation, because, since that time most of the former military officers, even under the old Czarist regime, have passed over to the revolutionary forces.

The Chairman.— I simply asked for information.

By Mr. Conboy:

Q. You say most of the officers of the old Czarist regime? A. I should modify that, a great many, instead of most.

Q. I don't think that the distinction is of very much importance, whether great or most, but you know it is charged that they went over to the Socialist regime through force and duress? A. That there are such charges?

Q. Yes? A. I have no doubt.

Q. But you don't believe them? A. I know they are denied, and I am not called upon to pass upon the truth or falsity of this particular statement, nor have I such facilities.

Q. Now, is Mr. Victor Berger a member of the Socialist Party at the present time? A. He is.

Q. He has been elected to office as a member of the socialist party of America? A. You mean to public office?

Q. I mean to public office? A. He has been elected to the House of Representatives.

Q. And for a number of years he was a member with you on the National Executive Committee of the Socialist party? A. He was.

Q. Helping form and frame its policies, I suppose? A. Yes.

Q. And platforms? A. Well, as it happened, he was not very often on platform committees.

Q. But he helped, as you just said, frame the policies? A. Oh, yes, he was a member of the National Executive Committee for a long time.

Q. Now, on the question of revolution, you have stated that it does not in the mind of the socialist have the significance of barricade fights or anything that is regularly understood or that the mind contemplates in connection with what you have called the romantic idea of revolution? A. I did.

Q. Yesterday you had here, I think you did,— I may be mistaken about it, either yesterday or the day before — the proceedings of the National Convention of the Socialist party of 1908? A. I think so.

Q. Have you them here yet? A. Have we (addressing Mr. Stedman)?

Q. Now, in 1909 there was a paper known as the Social Democratic Herald? A. There was.

Q. Published in Milwaukee, Wisconsin? A. Yes.

Q. At which place Mr. Victor L. Berger, the gentleman to whom we have referred in our last questions and answers, lived? A. Yes.

Q. I offer in evidence at this time, as part of this examination, on the subject of character of this revolution, the article by Victor L. Berger in the Social Democratic Herald of July 31, 1909, under the title, "Should we prepare to fight for Liberty at all hazards?"

The Witness.— That has been offered, and has been objected to and has been ruled off.

(Discussion off the record.)

The Chairman.— I will admit it for what it is worth.

(The paper was received in evidence and marked Exhibit No. 111.)

Mr. Conboy.— I also offer before I read this, discussion in the National Convention of the Socialist Party for the year 1908, with which Mr. Waldman has just furnished me a copy of the proceedings of the National Convention. Remarks by Delegate Berger of Wisconsin at the bottom of pages 241 and the top of page 242, as follows:

Mr. Stedman.— On what theory do you charge that up against these Assemblymen?

Mr. Conboy.— I am cross-examining Mr. Hillquit on the theory of revolution as understood by him, as expressed in his direct-examination (reading):

"Delegate Berger (Wisconsin):— Comrade chairman and Comrades: There is a growing tendency, not only in this country, but in other countries, to deprecate political action.

That tendency you can see in Italy and France, even in Germany, to some extent, although less there than anywhere else, and in this country. The syndicalists in Italy fight political action. They call themselves Socialists and are members of the Socialist Party. There is a strong element, or was at least, in this country, doing the same thing and I have heard it pleaded many a time right in our own meetings by speakers that come to our meetings, that the only salvation for the proletariat of America is direct action, that the ballot box is simply a humbug. Now, I don't know how this question is going to be solved. I have no doubt that in the last analysis, we must shoot, and when it comes to shooting, Wisconsin will be there. We always make good."

And after that, in parenthesis, is applause.

"But I want you to understand that that is not a question for this party to decide."

The Witness.— Go ahead, Mr. Conboy.

Mr. Conboy.— Oh, you may read the rest of the book.

Mr. Stedman.— Just the next paragraph.

The Witness.— I will read it right now.

Mr. Conboy.— Read as much as you like.

The Chairman.— Who made the speech?

Mr. Conboy.— Mr. Berger.

Mr. Block (reading):

"We are to have a political party. And we want to keep out of the party everybody who is not in harmony with our main principles and who is opposed to the fundamental idea of the party, which means the ballot box. In order to be able to shoot, even, some day, we must have the powers of the political government in our hands, at least to a great extent. I want that understood. So everybody who is talking to you about direct action, and so on, and about political action being a humbug, is your enemy to-day, because he keeps you from getting the powers of political government. They talk about the opportunistic movement in Wisconsin, saying that we are bourgeoisie. Now, I want you to under-

stand, brothers and delegates, that there is not a party in this country anywhere that is as clearly proletarian as the party in Milwaukee. Ninety-five per cent of our entire membership and of our voters are clear trade union and laboring men, so much so that we have not even enough of the middle class, not enough lawyers, to fill our offices; so much so that from now on, if we are to grow, we must get some of what you call the middle class and intellectuals; although I will say that intellectually our movement in Wisconsin, and particularly in Milwaukee, is probably better educated than anywhere else in the country, for the simple reason that we do it all by literature."

Q. Do you want anything else? A. It will do for the present.

Q. Now, I will read no more of it. A. Did you attach any question to the reading of this?

Q. No. A. Pardon me.

Q. Do you want to express your opinion? A. Not only my opinion, but —

(Discussion off the record.)

The Chairman.— Do you desire to explain it?

The Witness.— I do. I will say, of all the men in the Socialist party who would most uncompromisingly endorse my definition of revolution would probably be Victor L. Berger. He is considered not only one of the most moderate but one of the most opportunist Socialists, and his speech in this convention was made for that particular purpose, deprecating any opposition to political action, and peaceful and lawful action, in the Socialist party. Now, then, his reference to shooting — this was not a program, Mr. Conboy. This was a prophecy, right or wrong, and this brings you to the Socialist position quite exactly and accurately on the question of violence as applied to bringing about revolution. The Socialist party takes the position that in countries in which peaceful methods of reform are open to the citizens by constitutional legal methods, such methods of procedure are the only ones upon which the Socialist tactics can be based, but we proceed further and say, We as a Socialist party will regulate our actions absolutely and in every respect upon the assumption that we can carry out our program by legislative action, by parliamentary action, and in a peaceful way. But we say further, we are not

always the ones to make history. History makes itself, and history may have peculiar twists. History, among other things, has shown that when the privileged minority is about to lose its privileges, it becomes desperate; it tries to obstruct lawful progress; it tries to destroy reform or lawful revolutionary movements by force, and in that case it will be up to the majority of the people to defend their rights against such lawless, powerful privileged minorities; and in a case of this kind it may come to shooting. For instance, while the American colonies undoubtedly would have been ready and willing and eager to bring about the reforms they demanded peacefully, it was the mother country that opposed such methods and forced them to shoot, as Berger says, while undoubtedly the Abolitionists wanted to abolish generally slavery, peacefully, and were not out for acts of violence; they were forced to shoot to bring it about by the other side.

Now, then, it is not at all impossible that when you say in any country, even in this country, the majority of the people will be ready to introduce substantial reforms and take away the privileges from the profiteering class by constitutional legal methods, those self-same profiteering interests will take offense and will try to play some tricks upon the people, and in that case it is possible as a matter of prophecy, not as a matter of program as far as we are concerned, that the people of this country will be compelled to supplement their political action by a little shooting; and Victor Berger says that political action, and that is the political power which we can acquire, or the advantage which the people will acquire, will help them to gain or maintain their victory; and I might have added would also cut down very considerably any bloodshed attempted by unlawful or lawless privileged minorities. That is the meaning of this statement of Victor Berger.

Q. Have you completely and fully expounded its meaning?

A. I have expounded the best of its meaning which I considered directly involved in your question. I do not know whether it is not susceptible of other phases.

By Mr. Conboy:

Q. Of course, it might make a different impression upon other minds? A. Why, you are asking me about this particular part. Now, I have the advantage of knowing Victor Berger intimately, knowing his entire position and philosophy very well, and knowing the Socialist party position very well; so whatever inference

others may draw, I think they would do well in this particular case to defer — if I say it myself — to my superior facilities for forming a judgment on that particular point.

Q. Well, I am not going to make any comment on that at all. I shall now read Exhibit No. 111. This is the article which has just been received in evidence. It is headed: “Should be Prepared to Fight for Liberty at All Hazards.”

The Chairman.— What is the date?

Mr. Conboy.— July 31, 1909 — that is a year after the proceedings of the Convention of 1908:

“No one will claim that I am given to the reciting of ‘revolutionary’ phrases. On the contrary, I am known to be a ‘constructive’ Socialist.

“However, in view of the plutocratic law-making of the present day, it is easy to predict that the safety and hope of this country will finally lie in one direction only — that of a violent and bloody revolution.

“Therefore, I say, each of the 500,000 Socialist voters, and of the two million workingmen who instinctively incline our way should, besides doing much reading and still more thinking, also have a good rifle and the necessary rounds of ammunition in his home and be prepared to back up his ballot with his bullets if necessary.

* * * * *

“This may look like a startling statement. Yet I can see nothing else for the American masses today. The working class of this country is being pushed hopelessly downward. We must resist as long as resistance is possible.

“Our standard of living has gone down now to that of the Western European workingman — and in some respects it is lower, because our American proletarian lacks the legal protection of the French, English or German workingman; and the danger is that should we not be prepared to resist further degradation at all hazards, then the immigration from eastern countries together with the capitalistic laws, will rapidly bring us down to the eastern European standard — to a standard where we will not be able to put up any resistance any longer.

“The following is the situation: During the last thirteen years the prices of all the necessaries of life have gone up, until the cost of living is twice what it was thirteen years ago.

“ In other words, a \$15 wage a week means as much today for a family as a \$7.50 wage meant thirteen years ago.

* * * * *

“ And, of course, no one will claim that the wages have in any way kept step with the increase. On the contrary. While the price of all the necessities of life have gone up 100 per cent, only in very few industries have wages improved 15 and 20 per cent during that period.

“ And in some cases, particularly, in the steel and iron industries, in the tobacco and cigar industries, in the leather and packing industries, and many others, wages have positively gone down compared with thirteen years ago.

* * * * *

“ We read in a New York paper:

“ ‘ According to Bradstreet’s between July 1, 1896 and July 1, 1909, breadstuffs and live stock have more than doubled in price, provisions, fruits, hides and leather have increased over 50 per cent, and textiles 60 per cent.

“ ‘ Taking separate items that figure in the cost of the average poor man’s table, on July 1, 1909, flour cost 100 per cent more than on July 1, 1896, beef over 80 per cent, pork about 150 per cent, mutton 125 per cent, hams $33\frac{1}{3}$ per cent, bacon over 170 per cent, lard over 180 per cent, butter 70 per cent and potatoes over 130 per cent.

“ ‘ Even within the last year the increase in prices has gone on almost without interruption ’.

* * * * *

“ Besides, there is now no hope for any protection for the working class in this country. Protection for the plutocrat, the exploiter and big thief is the watchword in Washington, D. C., and in every legislature and court of record in the United States.

“ Our United States senators of the Aldrich and Lodge type, honestly believe that the American people, and particularly the working class, are existing solely for the purpose of being exploited by our ruling class.

“ Exploited once as producers by creating surplus values for their masters who own the production, then exploited again as consumers, by paying as much as possible to their masters who own the distribution.

* * * * *

“Now, I deny that dealing with a blind and greedy plutocratic class as we are dealing in this country, the outcome can ever be peaceable or that any reasonable change can ever be brought about by the ballot in the end.

“I predict that a large part of the capitalist class will be wiped out for much smaller things than the settling of the great social question. That before any settlement is possible, most of the plutocratic class, together with the politicians, will have to disappear as completely as the feudal lords and their retinue disappeared during the French revolution.

“That cannot be done by the ballot, or by only the ballot.

“The ballot may not count for much in a pinch.

* * * * *

“And in order to be prepared for all emergencies, Socialists and workingmen should make it their duty to have rifles and the necessary rounds of ammunition at their homes, and be prepared to back up their ballots with their bullets if necessary.

“(Sgd.) Victor L. Berger.”

The Witness.—Your question—what is the question, Mr. Conboy?

Q. Do you think that this last article that I have just finished reading harmonizes with your explanation of Mr. Berger’s remarks at the 1908 Convention of the Socialist Party? A. In every particular. Mr. Berger in this article which you have read calls upon the workers and Socialists to back up their ballots by bullets, predicting, and he uses I believe that expression, that when the pinch comes—in other words when the workers and Socialists have by legitimate means acquired the political power they may be called upon to enforce that right against a recalcitrant privileged class. Now, I want to say that Berger at that time was alone, practically, in the party in advocating that concrete measure, the having of rifles, I do not know that he still adheres to it, but as far as the intention and the meaning of the article is concerned it does not imply necessarily a substitution of rifles or bullets for ballots, but merely makes the pessimistic prediction that according to the then recent developments it becomes very unlikely that the privileged class in the United States would peacefully submit to a legal, lawful victory of the working-class and Socialists, and hence advise them to back up their ballots by bullets.

By Assemblyman Harrington :

Q. Now, Mr. Hillquit, what you have just said you also repeated this morning, namely, that you assumed from what Mr. Berger said here that you would obtain power in this country by legal and constitutional means and that when you did obtain that power than you would use force, if necessary, to maintain that power; is that correct? A. Our position is about this: suppose I should say I will protect my personal safety peacefully, if possible, by force, if necessary. That would not provoke any criticism. Our position with reference to violence in connection with the social change is absolutely the same. We say we will protect the right of the majority of the people to make or unmake the form of government, as set forth in the Declaration of Independence. We proceed upon the assumption that we shall bring about such change by constitutional methods, and that the minority will submit when we are in the majority, just as we are submitting while we are in the minority, but if the minority at that time should not submit but should attempt a violent ouster of the legally constituted new Socialist government we shall with force and arms take possession of this government which we have lawfully obtained by legal means.

Q. You are assuming something that does not exist. A. Absolutely not.

Q. That article is read by the common man, isn't it? A. Yes.

Q. Is there anything in that article whereby the average reader could interpret that Victor Berger meant what you said he meant? A. I think if you read it again you will probably share my view that no other conclusion is possible. He starts out by saying he is a moderate Socialist. He continues by saying that he thinks the revolution will not come peacefully in this country, and therefore he cautions the worker to protect his ballot by bullets. How could that be construed to mean that he expects to bring about a revolution by violence? What is the place of the ballot in such a revolution? He says expressly to protect the ballot. To the ordinary average mind I do not think that can mean anything than to enforce the result of the vote. A defeated minority has nothing to protect, by bullets or otherwise. It is only a victorious majority that has acquired a legal right which has to protect something, and, knowing him and his entire philosophy and his socialist philosophy I cannot see anything else in this article, except I will admit a rather somewhat unfortunately worded statement which has that meaning and had it in his mind

and in the mind of his readers that the workers of this country must prepare in the event of a victory to face unlawful opposition or obstruction and may find themselves in a position to defend the legally acquired right. I may say that if that had any other meaning Victor Berger would have had no place in the party and would have been expelled from the party as an anarchist instead of a Socialist.

By Assemblyman Cuvillier:

Q. Then, Mr. Hillquit, on the other hand, to show your inconsistency, the Socialist party says that any member of the Assembly or Congress who votes for an appropriation for the army or navy in any existing government shall be expelled from the party? A. Where is the inconsistency?

Q. If any other government is in power, they will sustain it; but if an existing government is in power, they will not sustain it?

By Mr. Conboy:

Q. I think that Mr. Cuvillier desires to bring to your attention — and it seems to me it is a pertinent point — you have a provision in the constitution which declares in effect that any member of your party who votes for appropriations for military purposes will be expelled from the party. You have that provision? A. We have.

Q. Now then, in connection with the line of testimony that you have given in answer to the inquiry put to you by Assemblyman Harrington, you have indicated that you contemplate an armed government when you come into power? A. No, I have said nothing of the kind. What I have said was that while we seek, and even anticipate, a peaceful change, history may play one of its usual tricks by forcing us to defend ourselves. I have not said that we, therefore, should be prepared from now on to have an armed force for our defense, and I have said expressly that that particular view expressed by Victor Berger, although it is what the Constitution guarantees to each citizen of the United States, was not in any way accepted by the Socialist party and is not accepted by it now.

Q. Well, let me put the question to you in this way, and it will cover what is in Mr. Cuvillier's mind: Suppose that the Socialist party was in power in the United States to-day, would the constitution of the Socialist party, which would expel from the party any member voting for an appropriation for military purposes,

be retained in that constitution? A. I do not suppose there would be any necessity for it if the Socialist party were in control of the government of the United States; neither one way nor the other would there be any need for an army. Should a thing happen, such as happened in Russia, where there would be a minority aggression, the Socialist government would have to defend itself, and then no doubt a Socialist army would be required. In either case there would be no sense in it.

The Chairman.—Supposing I got a crowd of Republicans together and undertook to upset your government?

The Witness.—I say the plank would be out anyway, but I warn you now, Mr. Martin, if we are in the majority and you attempt any such tricks, you better look out.

By Mr. Conboy:

Q. I assume you intend to look out yourself when you are in the minority? A. When we are in the minority.

By Assemblyman Evans:

Q. What is there in the history of the United States government since its inception that would warrant anybody in predicting for the future that any minority would ever dare to upset the majority government by force? A. If you want my personal opinion, Mr. Evans, I do not think there is anything. I am rather inclined to think that when the time comes that the working class organized as a Socialist party will have political control that the change will take place peacefully, and I will tell you why, because, after all, even in Germany, in Austria, and even, for that matter, in Russia, the fundamental changes or evolutions that have taken place have taken place peacefully. Now, I say I do not foresee, the Socialist party does not foresee, the Socialist party program is not adjusted in accordance with the hypothesis of this kind, but when we contemplate the possibilities of history, or the possibilities of the future, we may contemplate all sorts of exigencies, and it is the same thing as the hypothetical question you asked me yesterday. If it should happen we will defend our rights, if need be, by force of arms; but we do not expect it to happen. That is why we are organizing and conducting our propaganda program along peaceful lines.

Q. Don't you think that that article of Berger's is subject to a great deal of criticism, he making such an unwarranted predic-

tion? A. I think this article was by no means an apt one. I think Mr. Berger is probably subject for a good deal of criticism in the tone that he has, but I think at the same time that it does not imply in the slightest degree any program or desire to bring about a change by force. I also think that it is no more than a reiteration of the constitutional provision that the right of the citizen to bear arms should not be abridged.

Q. Assuming that Mr. Berger's speech here was adopted as authoritative by the Socialist party, don't you think we would then be warranted in coming to the conclusion that the Socialist party seeks to overthrow government by force? A. No, not at all. * If you read it over again, you will find that there is not a line in that article that would warrant a conclusion of this kind. The utmost that may be said about it is that some of the expressions are altogether too strong for the meaning which they carry, and were intended to carry. It would be criticism of style, but there is absolutely nothing in the article to warrant the conclusion that the Socialists discard political methods, and base their hope of success upon violence.

By Assemblyman Cuvillier:

Q. Twelve men thought so in Chicago; they gave Berger twenty years. A. Twelve men in Chicago thought so?

Mr. Stedman.— Twelve men in Chicago, but who lived outside of Chicago.

Assemblyman Cuvillier.— I do not care; they were American citizens anyhow.

The Witness.— I do not know what they thought.

Mr. Stedman.— At the time that article was written no less than the chairman of a great political party of this country, in Michigan, announced if Bryan was elected they would not submit even though it was the majority vote.

Assemblyman Blodgett.— What has that got to do with it?

Mr. Stedman.— It simply offers an excuse to what was said.

(Discussion off the record.)

By Mr. Conboy:

Q. Mr. Hillquit, what distinction do you make between the Communist and Communist Labor Parties and the Socialist

Party? A. Why, in that article which you have read into the record the other day, I have stated it pretty clearly, or as clearly as I could. The Communist and Communist Labor Party do seem to believe that a Soviet form of government is the Universal Socialist ideal applicable to all countries. They also seem to believe that the dictatorship of the proletariat is a necessary phase in the evolution towards Socialism. I may say, however, right here, that I do not believe that either of these two parties advocate or contemplate violence.

Q. You do not believe that either the Communist or Communist Labor Parties contemplate violence? A. That is what I said.

Q. In this letter to which you have referred in your answer to my question, and which you have stated contains an explanation of the difference between the Communist and Communist Labor Party on the one hand, and the Socialist Party on the other, you say this:

“All the more unfortunate is it that the energies of the Socialist Party should at this time be dissipated in acrimonious and fruitless controversies brought on by the self-styled ‘Left Wing’ movement.”

The Left Wing movement is what I referred to as the Communist and Communist Labor Party. A. That has subsequently developed to the Communist and Communist Labor Party.

Q. “I am one of the last men in the party to ignore or misunderstand the sound revolutionary impulse which animates the rank and file of this new movement, but the specific form and direction which it has assumed, its program and tactics, spell disaster to our movement.” What did you understand this program to be? A. Why, I say a little later, if you just read on you will have your answer.

Q. Suppose you read on for me and give me your answer. A. I say “to prate about the ‘dictatorship of the proletariat’ and of ‘workers’ Soviets’ in the United States at this time is to deflect the Socialist propaganda from its realistic basis, and to advocate ‘the abolition of all social reform planks’ in the party platform means to abandon the concrete class struggle as it presents itself from day to day. The ‘Left Wing’ movement, as I see it, is a purely emotional reflex of the situation in Russia. The cardinal vice of the movement is that it started as a ‘Wing.’” And then later on: “The ‘Left Wing’ movement is a sort of burlesque on the Russian revolution. Its leaders do not want to

convert their comrades in the party. They must 'capture' and establish a sort of dictatorship of the proletariat within the party."

Q. Do these Communists belong to the same branch of the Socialist Party as Lenine? A. They do not. There are movements created and organized in the United States. They have assumed the name Communist in both cases; one Communist, the other Communist Labor. The so-called Lenine party, which is the Bolshevik party, has likewise assumed the name Communist, but one is a party of Russian Socialists, organized for work in Russia, the others are parties of Socialists of a certain type, living in the United States and attempting to suit their tactics and programs to conditions in the United States.

By Mr. Conboy:

Q. But you have referred to their program as being the burlesque of the Russian system? A. Yes.

Q. By that you do suggest, do you not, that they are moulding their program according to the program of the Bolsheviks in Russia? A. That they are trying to, yes.

Q. That they are trying to? A. Yes.

Q. And in the course of your testimony you referred to Lenine in these words — I am reading from page 1318 of the printed record — "I may say personally I know the many heads of the Soviet government, Lenine, Trotzky, and some others, and I can testify, particularly as far as Lenine is concerned, that he is a very sober and very moderate, if you want, thinker, and social worker, and by no means the irresponsible firebrand he is represented to be by the non-Socialists and the press." That was the language that you used, quoted by me from page 1318 of the record.

I show you a book entitled "The Soviets at Work," by Nikolai Lenine, 5th edition, New York, Rand School of Social Science, published apparently in 1919. Are you familiar with it? A. I am.

Q. Having in mind your testimony of Lenine as a very moderate and very sober man, I direct your attention to the following from this book: "The Soviets at Work" — it is the same Lenine, is it not? A. The same Lenine.

Q. Page 29 under the heading of "Efficiency and Proletarian Dictatorship" (reading):

"The resolution of the last (Moscow) Congress of the Soviets, advocates, as the most important problem at present,

the creation of 'efficient organization' and higher discipline. Such resolutions are now readily supported by everybody. But that their realization requires compulsion, and compulsion in the form of a dictatorship, is ordinarily not comprehended. And yet, it would be the greatest stupidity and the most absurd opportunism to suppose that the transition from capitalism to Socialism is possible without compulsion and dictatorship. The Marxian theory has long ago criticized beyond misunderstanding this petty bourgeois-democratic and anarchistic nonsense. And Russia, of 1917-1918, confirms in this respect the Marxian theory so clearly, palpably and convincingly that only those who are hopelessly stupid or who have firmly determined to ignore the truth can still err in this respect. Either a Kornilov dictatorship (if Kornilov be taken as the Russian type of a bourgeois Cavaignac), or a dictatorship of the proletariat — no other alternative is possible for a country which is passing through an unusually swift development with unusually difficult transitions and which suffers from desperate disorganization created by the most horrible war. All middle courses are advanced — in order to deceive the people — by the bourgeois, who are not in a position to tell the truth and admit openly that they need a Kornilov, or — through stupidity — by the petty bourgeois democrats, the Tchernovs, Zeretellis and Martovs, prattling of a united democracy, of the dictatorship of democracy, of a single democratic front and similar nonsense. Those who have not learned even from the course of a Russian revolution of 1917-1918 that middle courses are impossible, must be given up as hopeless.

“On the other hand, it is not hard to see that during any transition from capitalism to Socialism a dictatorship is necessary for two main reasons. In the first place, it is impossible to conquer and destroy capitalism without the merciless suppression of the resistance of the exploiters, who cannot be at once deprived of their wealth, of their advantages in organization and knowledge, and who will, therefore, during quite a long period inevitably attempt to overthrow the hateful (to them) authority of the poor. Secondly, every great revolution, and especially a Socialist revolution, even if there were no external war, is inconceivable without an internal war, with thousands and millions of cases of

wavering and of desertion from one side to the other, and with a state of the greatest uncertainty, instability and chaos."

Q. Does that comport with your idea? A. It doesn't contradict it in any way. I am not ready to accept Lenine's judgment upon conditions in Russia at the time this was written, to point the needs of Russia at the time this was written, simply because I am not sufficiently familiar with such conditions. But there is nothing in the statement that would cause me to change my estimate of Lenine's character. What he says here in substance is practically what we practised during the period of the war. In times of crisis he says a dictatorship is necessary, as we had our food dictatorship, so-called, and our railroad and fuel dictatorship, so-called, to bridge over the crisis. Lenine assumes that in this particular transitional condition in Russia such an economic dictatorship is likewise necessary. He may be right; he may be wrong, but it does not contradict my characterization of him as a thinker and generally moderate man.

By Mr. Conboy:

Q. You have expressed your opinion that the idea of attempting to put into effect in this country a Soviet Government is infantile, have you not? A. Something to that effect.

Q. Now, I shall read you from a verbatim report of a speech delivered on the 12th day of November, 1918, by Professor Scott Nearing — you know Professor Scott Nearing, do you not? A. I do.

Q. He is a Socialist? A. He is.

Q. And one of the corps, or staff, of the Rand School of Social Science? A. He is teaching in the Rand School of Social Science.

Q. Now, this speech was delivered by him on the day after the armistice, November 12, 1918, at the Park View Palace, 110th Street and 5th Avenue.

"So while we rejoice that the Russian revolutionists are breaking economic chains; while we send our good wishes and cheers to the German revolutionists as they throw off autocracy and set up a government of the people, let us not forget that expressions of good cheer and messages of encouragement are not the thing that the Russian and German workers want from us. They want from us a

Workers' and Soldiers' Council in New York City (applause). They want from us a Workers' and Soldiers' government in the United States (applause). When we have an established government, we will have made good our claim to brotherhood and comradeship with the workers of Russia and Germany. (Long and continued applause and cheers)."

Do your views upon the topic discussed by Professor Scott Nearing disagree with this? A. Why, if this is a correct report, then I absolutely disagree with that portion of it which purports to desire the establishment, or contemplate the establishment of a Workers' and Soldiers' Council in New York City. Somehow, my imagination does not go far enough to imagine such a council in New York City, composed of workers and soldiers harmoniously working together in the one council. I may mention this: The Socialist party ordinarily has about one hundred thousand dues paying members, and most of them are talkers and some of them occasionally have — well, I would say, views of their own — and they have the full liberty to express them. It is not every expression of a Socialist party member, even a prominent one, that binds the party. If this particular expression of Scott Nearing is correctly quoted, with all my love and deference for him, I would say it does not represent the views of the Socialist party of the United States.

Q. As expressed by you? A. As expressed by the Socialist party, because the Socialist party has always been quite verbose and expressed its opinion on every conceivable topic by numerous resolutions. It has never, on any occasion, expressed a desire or intention to countenance a council of workers, like a soldiers' and workers' council, in Albany, or New York, or any other city in the United States.

By Assemblyman Evans:

Q. Don't you think that the Socialist party should have some committee that should prepare some kind of views in book form for the guidance of their speakers, when they are so rash in the statements they make? A. Mr. Evans, we have prepared a number of them; and on the whole, we get a greater degree of conformity and good sense than the Republican and Democratic parties; but still it is not absolute.

Mr. Conboy.—Now, will we adjourn?

The Chairman.— Recess until 4:05 o'clock.

(Whereupon, at 3:50 P. M., a recess was taken until 4:05 o'clock P. M.)

(The Committee reconvened at 4:10 P. M.)

The Chairman.— Proceed.

Assemblyman Cuvillier.— Now, Mr. Hillquit, on page 303 of the record, Exhibit 98, there is a letter written by you, published in the Call on January 1, 1919. "A Happy New Year." Now you state in that letter to the workers of the United States:

"The rear guard in the onward march of revolutionary international labor. May the New Year bring them enlightenment and progress and may they conquer for themselves that peace from the government of their country to which their numbers and economic importance entitle them to."

What do you mean by that? A. Why, I mean may they become enlightened and become Socialists and join the Socialist party and help the Socialist party get majorities in various legislative assemblies and executive officers, and thus acquire the political importance which their numerical strength entitles them to and which the workers in other countries similarly situated have acquired.

By Assemblyman Cuvillier:

Q. "The rear guard in the onward march of the revolutionary international labor"—what do you mean by that? A. I mean they are less progressive than any labor movement in any other modern country; that they have not joined the political wing of the socialist movement in this country as they have in every other advanced country of the world.

The Chairman.— Go ahead, Mr. Conboy.

By Mr. Conboy:

Q. There is one question in regard to your reference to Mr. Collins' testimony upon the debate upon religion in the 1908 convention. I have before me the proceedings of the afternoon session of May 15th and read at page 193 of these proceedings of that National Convention, and I find you are there quoted as say-

ing — and this is what you had before you yesterday when you answered the question, is it not? A. It is.

Q. "The fact that Comrade Lewis as a scholar, as a student of psychology, of history and everything else, has, in the domain of religion, come to the position of an agnostic, and that 99 per cent of us have landed in the same spot, does not make socialism agnostic, nor is socialism Christian, nor is socialism Jewish." That is the feature of that statement that was referred to by Mr. Collins, is it not? A. It was probably what he referred to. This was a misprint in the proceedings, which I tried to correct immediately after holding the convention, in ascribing to me that I said that 99 per cent of us have landed in the same place. What I did say was that even if 99 per cent of us had become agnostics, that would not have made the Socialist movement as such agnostic. I could not have stated it as a fact because, in the first place, I have no means of ascertaining the religious conviction of the individual Socialist; and second, in that very same convention there were quite a number of clergymen and I believe one clergywoman who attended as delegates.

Q. I have correctly read what the proceedings of the convention reported you as having said? A. You have correctly read, and I have made my explanation.

Q. And that would justify the statement upon his part that 99 per cent of the Socialists have landed in the position of agnostics? A. It would not justify his statement because I had denied that statement in print immediately after it appeared, and it was pretty extensively published.

Q. But the proceedings of the Socialist party, of that national convention, were not corrected? A. Could not be corrected; they were printed.

Q. Now, at page 2650 of the typewritten record —

Mr. Stedman.— They are not served to us day by day; they are printed months afterwards.

Mr. Conboy.— So, having been printed months afterwards, you could not correct it?

Mr. Stedman.— The national secretary would get it out and he could not correct it.

By Mr. Conboy:

Q. On page 2650 of the typewritten record you are reported as stating to one of the members of this Committee that if he

should ever attain to the patriotic heights of Eugene V. Debs you would have a lot of respect for him? A. I have made that statement. I consider Eugene V. Debs as one of the finest, most humane and noble characters of citizenship in the United States.

Q. And you regard him as a patriot? A. Absolutely.

Q. You know that at present he is serving a sentence for violation of the Espionage Law? A. And I consider that a shame and blot upon our administration of justice.

Q. And you know that that sentence of conviction was approved unanimously by the Supreme Court of the United States? A. I know that, and I also know that in a subsequent decision in the Supreme Court of the United States, in a substantially similar case, there was a strong dissenting opinion.

Q. Well, at any rate —

The Chairman.— Who wrote it?

The Witness.— Judge Holmes, concurred in by Judge Brandeis.

By Mr. Conboy:

Q. Judge Holmes was the man who wrote the opinion in the Debs case? A. That is why I mentioned it. Then the same judge who wrote the opinion in the Debs case, in a subsequent case, involving the same features, took absolutely the opposite point of view.

Q. Well, at any rate, whether your judgment as to the case in which Judge Holmes wrote the subsequent decision is similar to the one in which he wrote the unanimous opinion supporting the conviction of Debs is correct or not, the court did unanimously affirm that conviction? A. It did.

Q. And he is now serving sentence? A. He is.

Q. Is he a candidate of the Socialist party of America for President? A. We have at present no candidate. If any voice or influence of mine could accomplish anything, he certainly would be nominated at the next convention.

Q. And do you suggest that the members of the committee and the members of the Assembly should manifest their patriotism in the same way in which Mr. Debs has? A. I should be very glad if they would.

Q. Do you also consider Mr. Berger as a patriot whose example is worthy of emulation by the members of the committee and the members of the Assembly? A. I am not prescribing rules of patriotism for the members of the committee or the members of

the Assembly. I consider Victor Berger as a perfectly loyal citizen having the interests of his fellowman as he understands them at heart.

Q. Has the Socialist party in any official utterances, or has any authoritative writer, or any leader of the Socialist party of America ever, to your knowledge, expressed admiration for or satisfaction with or loyalty to, or a desire for the perpetuation of the institutions and Constitution and laws of the United States?

A. The Socialist party of the United States was organized for the purpose of bringing about certain very radical changes in the constitutional form of government, in industrial life of the United States, and hence could not express admiration for existing conditions. It is an opposition party. It has on numerous occasions expressed a very sincere desire for the welfare and well-being of the people of the United States.

Q. That is the answer you desire to make to the question I have asked you? A. I have made it.

Q. Did not the Socialist party in Chicago in September, 1919, at the time of the preparation of the majority and minority reports have before it the manifesto addressed to the proletariat of all lands? A. Why, I was not present at the convention. From what I read of its report, the manifesto was in no way referred to by either side to the discussion at that convention. I may be wrong.

Q. Well, whether it was referred to in the discussion at that convention or not, is it not the fact that the convention had the manifesto before it at that time? A. It is not a fact. The convention never received from any sources this manifesto. The manifesto was published; it was literature anybody who cared could secure, but the party, as such, did not receive it.

Q. Well, it was sent out by the literature department; was it not, of the Socialist party? A. It wasn't sent out by the literature department of the Socialist party. The literature department keeps a stock of books and pamphlets on all subjects more or less related to socialism and social problems, and this was one of them, and any one who chose to buy it could have bought it.

Q. You know Edwin Furth, do you not? A. I do not know Edwin Furth.

Q. Do you know Adolph Germer? A. I do know Adolph Germer.

Q. He is the secretary of the executive committee of the Socialist party? A. He was.

Q. He was on the 21st of May, 1919? A. He was.

Q. Now, in a letter sent out at that time by Edwin Firth of the Literature Department, he announces, Firth does — it is written upon the letter head of the Socialist Party, National Office, Executive Secretary: Adolph Germer, 803 West Madison street, Chicago, Ill., May 21, 1919, addressed to Local Rochester, C. M. O'Brien, 580 St. Paul street, Rochester, N. Y.— Dear Comrade: "I am pleased to announce the publication of two vital documents in pamphlet form, namely, 'The Manifesto Communist International,' issued 1919 by the Soviets of Russia, at Moscow to the Toiling Masses of the World. This is undoubtedly the greatest declaration ever issued from any working class tribunal since the Communist Manifesto of Marx and Engels." You know it was so issued, do you not, or it was published and sent out? A. It was not published and sent out. It was on stock in the Literature Department of the Socialist Party and the person in charge of that department evidently tried to sell it and give it a boost.

Q. On its title page it states that it was adopted by the Congress of the Communist International at Moscow, March 26, 1919, and it is signed by Comrade C. Rakovsky, N. Lenine, M. Zinovjev, L. Trotzky and Fritz Platten,— now, who was Rakovsky? A. Rakovsky was a representative of the Socialist party of Roumania originally. After the outbreak of the revolution in Russia he came to south Russia, Ukrania, and there became Premier of the Ukrainian Communist government while it existed, and it was in the capacity of representative of the Ukrainian Communist that he attended the Moscow conference.

Q. He attended at the Moscow conference as representative of the Ukrainian Congress? A. Of the Ukrainian Communist party.

Q. And Lenine is the Premier of Russia? A. He is.

Q. In what capacity did he attend at that congress? A. As representative of the Communist Party of Russia.

Q. And Zinovjev? A. Likewise.

Q. Of the Communist Party of Russia? A. Yes, sir.

Q. Trotzky? A. Also.

Q. And Fritz Platten? A. He represented himself. He is a radical Socialist of Switzerland.

Q. In the introduction to the Manifesto itself, which is addressed to the proletariat of all lands there is this language: "This Manifesto is the first official document of the Communist International that was founded in Moscow, Russia." Now, I take

it that the Socialist party of the United States would not send communications from its national office and executive secretary unless it had some information that the document was an authentic one, would it? A. Why, it had absolutely no information that the document was the authentic one, because it had no communication of any kind with either the Soviet government or the Communist party in Russia. The document was published, not published by the Socialist party — the Literature departments of the Socialist party got a lot of these booklets and sold them, and it sold other literature.

Q. Did you intend to suggest that it is not an authentic document? A. I did not intend to suggest anything of the kind. It bears the intrinsic earmarks of authenticity, but we have absolutely no proof of any kind of its real authenticity, genuineness or correctness of translation from the Russian.

Q. When you say it bears earmarks of authenticity, what do you mean? A. I mean its general line and style are suggestive of the various literary emanations from the Communist Party of Russia. It does not sound to me at least like a manufactured thing. It sounds to me genuine, but I would not swear that it was, because I do not know. I do not know to what extent it is correct in detail. I do not know to what extent the translation is correct. I do not know anything but that it purports to be such Manifesto, and I have no particular reason to doubt on the whole that it is.

Q. From such evidence as you have do you believe it to be a genuine document? A. I should say on the whole it probably is a genuine document. It may contain a number of faults in translation, or may contain a number of errors; I do not know.

Q. In the communication to The New York Call by Mr. Trachtenberg, the Director of the Bureau of Research of the Rand School, you will find at page 1255, that referring to this manifesto, he says, The various decisions of the Chicago Convention, and especially the Manifesto adopted at the convention, proved beyond a doubt the spiritual adherence to our party, to the principles enunciated at the Moscow International Conference. Anyone who has read carefully both the Moscow and the Chicago Manifestoes will note the similarity of ideas which underlie both of these documents. Now, isn't it a fact, Mr. Hillquit, that the Chicago convention did have before it the Moscow manifesto, so-called, in September of 1919 at the time of the preparation of the ma-

majority and minority reports? A. It is absolutely not a fact. The Chicago convention, as such, did not have the manifesto before it, and the manifesto adopted by the Chicago convention — and I would like you to get that fully, was, I should say, to the extent of about 90 per cent. of my authorship, and I had not read the Moscow International Manifesto at the time I drafted the Chicago manifesto.

Q. Which manifesto did you draft? A. I am speaking of the Chicago manifesto adopted in September, 1919, which you seem to try to interpret as a reply to the Moscow International manifesto, and that one I say is to the extent of about 90 per cent. of my authorship, and I had not at the time read the Moscow International manifesto.

Q. Do you know whether it was or was not published in the New York Call? A. No. Only one part of it, entitled "The Guilding Lines," was published with the specific remark that the preamble, which contained the entire philosophy of the International, had been omitted and would be published at another time. It never was.

Q. At any rate, such part of it as was published on June 24, 1919, in a copy of the New York Call, was that before you admit that you prepared the draft of the Chicago manifesto? A. No, I wrote it subsequently.

Q. How long after you prepared that draft? A. In connection with the preparations for this particular proceeding.

Q. Those who participated in the Chicago conference of 1919 have had an opportunity of providing themselves with copies of this manifesto, have they not? A. Oh, they had opportunity, yes.

Q. And you have no doubt that many of them have done so? A. I do not know anything either way; probably some had.

Q. And some may not have, is that your testimony? A. My testimony is, that I do not know.

Q. You were asked on your direct examination whether you knew of any provision or theoretical position of the Socialist party to take advantage of a universal war, and you answered no. Do you know of any statement by the Socialist party where they sought to take advantage of the conditions created by the war? A. Will you please first read my testimony to which you refer?

Q. Well, suppose you strike out what I have said; was your testimony upon direct examination so we may save time, and let me ask you a question. Do you know of any statement by the

Socialist party where they sought to take advantage of the conditions created by the war? A. The position of the Socialist party in this country and every country upon this subject is as follows: If war threatened, first exert all your power and all your influence to prevent war; second, if war breaks out, in spite of your efforts, then again exert all your power to bring it to a speedy conclusion. In the meanwhile, in spite of your efforts your governing class have brought on war, take advantage of it in order to point out the lesson of capitalist misrule and make future wars impossible.

Q. And that, you take it, to be the duty of the party with regard to the inquiry I have put to you? A. Yes.

Q. In the resolutions adopted by the Brussels conference in 1868, introduced by you in the record day before yesterday at page 2512, I read the following (reading):

“The Congress recommends above all to workers to cease work in case a war be declared in their country.

“The Congress counts upon the spirit of solidarity which animates the workingmen of all countries, and entertains a hope that means would not be wanting in such an emergency to support the people against their government.”

That was one of the resolutions which you offered in evidence here the other day? A. It was the resolution adopted by the First Internationale in 1868.

Q. Is not this in the nature of a proclamation on the part of the Socialist party to take advantage of the condition of the country at war to strengthen its own position? A. I have said very distinctly that the position of the socialist party here and elsewhere, and of any political party, was and is to take advantage of all evidences of misrule, incompetency of the ruling classes, by pointing them out and by trying to bring about a condition which would make their occurrence impossible; that is, taking advantage of such situation.

By Mr. Conboy:

Q. Again, in the Stuttgart Conference of 1907, which is one of the resolutions of that Congress, it says: “In case war should break out”— A. Would you kindly read a little of the context?

Q. I am going to read this. If you wish to read anything else, you may do so. A. I shall do so at once, because I like complete statements, Mr. Conboy.

Q. I do not think anybody here has any doubt about that, because you have made all your statements about as complete as you could. A. Why not embody the complete statement?

Q. I would like to ask this question; it reads: "In case war should break out notwithstanding, they shall be bound to intervene for its being brought to a speedy end, and to employ all their forces for utilizing the economical and political crisis created by the war, in order to rouse the masses of the people and to hasten the duntread of the predominance of the capitalistic class." Do you understand that to be in accord with statements you have made about the position of the Socialist party during the war? A. The whole statement is as follows: "In case of war being imminent, the working classes and their parliamentary representatives in the countries concerned shall be bound with the assistance of the International Socialist Bureau, to do all they can to prevent the breaking out of the war, using for this purpose the means which appear to them the most efficacious, and which must naturally vary according to the acuteness of the struggle of classes and to the general political conditions.

"In case war should break out notwithstanding, they shall be bound to intervene for its being brought to a speedy end, and to employ all their forces for utilizing the economical and political crisis created by the war, in order to rouse the masses of the people and to hasten the duntread of the predominance of the capitalistic class."

I fully endorse that. That was the position of the Socialist Party, and still is.

Q. All right. I take it, in concluding your cross-examination, Mr. Hillquit, that you will concede, will you not, that you have been given a full and fair opportunity to state everything that you desired to state, in this chamber? A. I do not know that I am called upon to make any testimonials at this time. Our case is not concluded yet.

Q. No, but so far as the examination has been conducted, you will say, will you not, that you have been given a complete and full opportunity to state everything that you desired to state? A. I am not called upon to make any such statement with reference to the opportunities I have had, I shall reserve to myself such statement as I deem proper at any time to make, which I consider appropriate.

Q. But up to the present time you have not been hampered or limited in any way whatever, have you? A. Up to the present time I have encountered some very unusual questions on cross-examination.

Q. These questions you are considering at the present moment?

A. These questions you have been asking.

Q. I am not asking you in connection with your answers, but —

A. Mr. Conboy, I prefer not to answer this question, which I consider entirely out of the ordinary, and entirely uncalled for.

Q. Well, although you consider it entirely out of the ordinary, and entirely uncalled for, will you answer it? A. I will not.

Q. Very good. Now, you came to this country, I understood you to say, 35 years ago? A. About.

Q. And I think you told one of the Assemblymen you came from Lethia? A. I came from Riga, which was in Russia and now happens to be in Lethia.

Q. You spoke of it as being in Lethia. It was in Russia and is now in Lethia? A. Yes.

Q. You were a young man then? A. Yes.

Q. Were you under 20? A. I was.

Q. And may I ask you how old you were when you came to this country? I do not want to be unduly personal. A. Let us not go into personal details.

Q. How old were you? A. I was quite young.

Q. Were you 15 or younger? A. Oh, around that age.

Q. Did you come to New York city? A. I came to New York city.

Q. And I take it that you have lived there most of the time since then? A. Right.

Q. You made application for citizenship in the United States?

A. I did, and was naturalized as a citizen, and have been for a long time.

Q. And did you go to any of our schools? A. I went to some.

Q. And received some education? A. A little. I also brought a little with me.

Q. Well, the sum total of it is you have a very superior mental equipment and have given a rather complete educational exhibition. A. Thank you very much, Mr. Conboy.

Q. Oh, there is no question about it: You have impressed everybody who has heard your testimony with the fact that you are a very superior man. Now, you have dwelt in this country

since that time, and I take it to some extent you have prospered, have you not? A. That is a relative matter.

Q. Well, at any rate, you have not been a failure; you have been a success? A. I flatter myself on not having been a failure.

Q. And you have been connected with enterprises of some importance? A. Just what do you mean by that?

Q. Now, would you care to tell us what commercial enterprises you are connected with? A. I am not connected with any commercial enterprises. I have not practiced law in the last year and a half. While I was practicing law, I had among my clients various commercial enterprises and concerns.

Q. And you made investments? A. I have made a few investments.

Q. And I hope that they have been for the most part successful? A. Tolerably so. What is it all leading to, Mr. Conboy?

Q. You have been protected by the laws of the United States, haven't you? A. Well, I should very much like, Mr. Conboy, to have you ask the question you want to ask; I don't know whether all this personal matter is pertinent or necessary. I have absolutely no objection to making all confidences to you privately, but I do not see why my personal life and career should be made a subject of inquiry at this time. If it leads up to anything that is of importance, go right ahead.

Q. It may not lead to anything of very much importance, but you, at any rate, have not been downtrodden, have you? A. No.

Mr. Conboy: You may continue your inquiry, Mr. Stedman.

Assemblyman Cuvillier: Mr. Chairman, before Mr. Hillquit leaves the stand I want to ask him one question. When this case opened, you yourself challenged my right to sit here, on the ground that I made a statement on the floor of the assembly to the effect that if these five assemblymen were guilty they should not be seated, but should be shot, but you did not go on and finish my statement on the floor, that I said if they were innocent that I would be one of the first to vote to seat them. What I said then I reiterate and still say, but the press and you, your people, the Socialist party, thought that was unwarranted on my part. To show that it was not, I shall read for the record, the New York Times, Tuesday, December 30th, 1919:

“Special to the New York Times. Chicago, December 29th. Federal Judge Landis Pays His Respects to Congress-

man-Elect Victor Berger. In Wisconsin today, in a talk before the Advertising Men's Post of the American Legion. It was my great displeasure to give Victor Berger twenty years in Fort Leavenworth. I regret it exceedingly, because I believe the laws of this country should have enabled me to have Berger leaned up against a wall and shot. The district that voted to re-elect Berger ought to get out of this democracy and back into their monarchy. Berger's platform was that he was 100 per cent German, and on that basis he was re-elected. Watch the vote in Congress for his reinstatement, and let those fellows who uphold him know how we feel about it."

Q. Then I want to ask Mr. Cuvillier, do you base your right to shoot upon this statement?

Assemblyman Cuvillier: I wanted to get the record clear, that was all, that if a venerable Judge of the United States Court stated that, that I had the right to state it on the floor of this house.

The Witness: Since Mr. Cuvillier has broached the subject, won't you be kind enough to state whether you still adhere to your determination or right to have them shot?

Assemblyman Cuvillier: I still adhere to my statement made on the floor, that's all.

By The Chairman:

Q. There is one thing, Mr. Hillquit, that possibly you might want to clear up. I understood you to testify that the teaching of religious doctrines in all state and public schools, in all schools of Soviet Russia, was prohibited. You put it on the ground that private schools had all been abolished, if I recall that as your testimony, and in looking over that testimony and in looking over their laws, the decrees and constitution, I see that under section 9 it provides that school is separated from the church. The teaching of religious doctrines in all state and public, as well as in private educational institutions, in which general subjects are taught, is forbidden. Citizens may teach and study religion privately. I did not know but what you might want to correct it so as to conform to that. I think that is what you meant. It is in order to avoid any conflict later, when this case is submitted? A. I tried to convey that.

Q. It is due to you to make that explanation? A. I understand, but I had this in view, that I mention. There seems to be some contradiction. It refers to private schools here, but on the other hand, education is nationalized, which would indicate there are no private schools in Russia.

By Assemblyman Evans:

Q. Mr. Hillquit, do you believe that it would be justifiable for the Socialist Party in the United States, if it were, say, 55 per cent majority, to bring about Socialism by force of arms? A. No.

Q. If they could not do it by the ballot? A. No. If Socialists were 55 per cent strong, presumably it would carry elections. It may happen occasionally that 55 per cent would not carry the election. In that case, it would be my view that Socialists should take and use as much power as the 55 per cent vote gives them until such time as they have absolute majorities. In other words, so long as means are open there is no excuse for resorting to violence.

Q. Is this statement in harmony with the following statement that I shall read to you from the St. Louis platform, being on page 450 of the record, and if it is in harmony, will you please explain how it is? "The only struggle which would justify the workers in taking up arms is the great struggle of the working class of the world to free itself from economic exploitation." A. Now, I should say that it is in complete harmony with it, and should illustrate it by a very simple example. We consider the present war of Russia as justifiable, because it is a war of the working population of Russia to maintain their economic independence or emancipation. We would not consider the other proposition that you mentioned hypothetically the other day as justifying taking up arms, and I said so, but where the working class has legitimately acquired political power and political control, and where it is sought by outside agencies to frustrate the exercise of such control, either through external aggression or through internal acts of violence counter-revolution, if you want, the workers of such countries in such conditions are justified in taking up arms.

Q. You are now speaking of the maintenance of the workers' government? A. It is maintaining where the workers' government has been established. It would not be maintaining it, but it would be acquiring it where a right to establish a working class government has been established at the ballot box, and its actual establishment prevented by force.

Q. But this St. Louis language says: "The only struggle which would justify the taking up of arms would be one to free itself from economic exploitation." Does not that pre-suppose that the workers' government has not as yet been established? A. No, it may have been created theoretically, say for instance, by victory at the ballot box, but may be prevented from taking actual possession and carrying out its Socialist program. That would be a case where the working class would be justified in taking up arms.

Q. If it obtained a political victory, that means, to my mind, the majority of representation in the legislature and in the executive department? A. Exactly.

Q. How could they then be prevented from taking complete control of the government? A. They could be prevented in various ways. They could be prevented in about the same way as it was attempted to prevent the Abolitionists from carrying out their program legally by starting civil war.

Q. You mean the minority would resist the then existing majority? A. Yes.

Q. So that your interpretation of this phrase is that in case the workers succeeded in establishing a political majority and in control of the government politically, that in case they were then obliged to use force to maintain it against minority force, that that would be justified? A. I think that implication must be read into that clause because the Socialists at no time advocated securing control of the government by force or violence.

Assemblyman Evans.—In other words, you believe that this phrase must be read in connection with the prior Socialist history on the subject?

The Witness.—Exactly, and with the Socialist attitude on the subject.

Assemblyman Blodgett.—Isn't it true, Mr. Hillquit, that the situation in Russia is too contemporaneous to give us at this time a proper and true perspective as to one side or the other?

The Witness.—I have been trying to express that view, Mr. Blodgett. That is my view, except that I have added frankly that pending the controversy our contemporaries are bound to take sides. There cannot be such a thing as absence of sympathies one way or the other, and I admitted as far as the Socialists are concerned, from tradition, from the knowledge of the movement, their sympathies are with the Soviet government of Russia.

Assemblyman Blodgett.— That is true generally of any great historical event.

The Witness.— Absolutely, I believe.

Assemblyman Blodgett.— It is true of the French Revolution?

The Witness.— I do believe that the contemporaneous judgments of the French Revolution when read to-day would sound ridiculous.

Assemblyman Blodgett.— Thank you.

By Mr. Conboy:

Q. Referring again to Mr. Evans' question, is it your opinion that the members of the party generally reading this language in the war proclamation or war program of the Socialist party, the only struggle which would justify the workers in taking up arms is the great struggle of the working class to free itself from political exploitation, that that would be understood by members of the party, by the working class members generally, to mean that they were only to take up arms in the event that they had political control and that an attempt was made to deprive them of that political control by force? A. What I meant to say was that they would already understand that it means lawfully taking up arms. There are certain presumptions of laws that anything contemplated or agreed to be performed by any person is to be so performed lawfully unless the contrary clearly appears. The Socialist presupposes the general implication or a supposition of law that all of our acts and declarations are based upon the assumption that they are to be carried out within the law and constitution.

Assemblyman Evans.— Was this language drawn in this particular form for the purpose of holding within the Socialist party the seceding Left Wing?

The Witness.— There was no seceding Left Wing at any time. If the Socialist movement was ever unanimous on any one subject it was practically on this subject—its opposition to war—and again I repeat, within the legal significance of the term.

Assemblyman Evans.— Wasn't the first division in the party as regarded the Right Wing and Left Wing Manifesto at that St. Louis convention? A. Not at the St. Louis convention. This resolution in question received the vast majority of the vote. Then there was another block of votes, something like 25 or 23,

I believe, cast for the so-called Budin report, which was supposed to be equally determined in its opposition to war, and only a very insignificant number, I believe five votes, in favor of qualified support of the war. So there was no division at the time.

Q. What I am trying to get at was this: Was this language drawn in this particular form for the purpose of attracting and holding within the party such members of the party who did believe in violence to overthrow government? A. No; we never desired to hold such members in the party.

Q. There was no such purpose as that in this language? A. No.

By Assemblyman Cuvillier:

Q. But the minority report reaffirmed violence? A. No; it does not. It does the opposite.

Q. It adopts itself to the Soviet form of Russian government? A. No, sir. Mr. Cuvillier, I believe you are proceeding upon your investigation with a very proper judicial attitude, upon which I congratulate you.

Assemblyman Cuvillier.—No comments necessary from you.

By Mr. Sutherland:

Q. Mr. Hillquit, the Socialist party did not hold any annual convention in the year 1918, did it? A. No.

Q. Were you a member of the National Executive Committee in 1919? A. In 1919?

Q. 1919? A. 1919; I have not been the last year; I was part of 1919.

Q. Were you in 1918? A. I was.

Q. Did you join in the report of the National Executive Committee to the members of the convention which met in September, 1919? A. Well, I did not join because I was not physically present, and was not active in the party at that time.

Q. You are familiar, are you, with the report which was made by the National Executive Committee to the September, 1919, convention? A. I have read it.

Q. And is it a correct statement of facts and policy? A. What are you referring to, Judge?

Q. I refer to this paragraph: "In March, 1918, Local St. Louis initiated a movement for a special convention which the National Executive Committee considered the following May.

In the proclamation to the membership the impossibility of holding the convention was pointed out. Under the Espionage Act free discussion was an impossibility. Only one view could be heard regarding the war. To have held the convention would have subjected many comrades to persecution and imprisonment, so the party continued its main work of defending its political and class war to prisons, and outside of some of the larger cities all propaganda work was practically suspended." A. And your question is?

Q. Is that a correct statement of the fact? A. It is the expression.

Q. Is that the correct reason why the convention was not held in 1918? A. It is the expression of the opinion, not the statement of the fact. I believe the opinion, that under the Espionage Law, in its practical application, expression of political opinion, and particularly on the subject of war, was made impossible is correct.

Q. That is the reason, is it, why you did not hold a convention in 1918 — a national convention? A. I presume that was the reason.

Q. Now, you stated yesterday in your testimony that the act of the executive committee in having destroyed certain copies of the manifesto of the St. Louis Convention — A. Platform.

Q. And platform adopted at that convention because there was printed in it clauses 6 and 7 of the platform, the first one urging resistance to conscription of life and labor, and the next one the repudiation of national war debt; those clauses were not printed thereafter, but were stricken out by the National Executive Committee, because you desired to conform to the law. Did I get that correctly? A. Just what is your question?

By Mr. Sutherland:

Q. Did you think that by striking out those two clauses that I have mentioned, that you then made your war declarations and platform and manifesto of April, 1917, conform to the law? A. Absolutely.

Q. Then why was it that you were afraid to issue and use your propaganda and state the views and attitude of your party toward the war in the year 1918? A. Not that we were afraid, but we knew that in the actual handling of the Espionage Law under the then existing public terrorized sentiment, the most lawful expressions were construed, or were apt to be construed, as viola-

tions of the Espionage Law. We claim now that in practically all cases of convictions under the Espionage Law, of Socialists, the remarks upon which such convictions were based were perfectly lawful and proper. We still hope that the Appellate Courts will so hold.

Q. Your candidate for President, Mr. Debs, had been convicted, had he not? A. Yes, he had. Have you ever read his speech?

Q. I have read the opinion of the Supreme Court of the United States in affirming his conviction, and I read what the Supreme Court said in that connection as to your war proclamation of April, 1917.

Mr. Stedman.— It is a two-page opinion, and the proclamation itself —

Mr. Sutherland.— Very good; we will have occasion to read it to the Committee later.

Mr. Stedman.— A two-page opinion on a 600-page record.

Q. My inquiry is this, Mr. Hillquit: It is a fact, is it not, that many of the national officers of the Socialist Party had been convicted for their utterances and acts in opposing the war before the National Committee decided that it was not expedient to hold a national convention in 1918? A. I cannot accept the form of your question —

Q. Well, let me — A. Let me answer. I cannot admit that many officers of the Socialist Party had been — what was your expression?

Mr. Stedman.— Convicted.

A. (Continuing.) Convicted for expressions of sentiment in violating the Espionage Law.

Q. Well, that was not my question, was it? A. I understood that that was indicated in your question, and that was your language.

Q. I do not recognize the language. Let me read this paragraph from the report of the National Executive Committee, submitted to the 1919 convention, referring to the failure to call the National Convention in 1918 and stating the reason for it.

“As though to terrorize the party into a surrender to the dark forces of reaction, some of the best known comrades were indicted

and sentenced to long terms of imprisonment. Among them are one of the best loved Socialists in the world, Eugene V. Debs, who is serving a ten years sentence, National Executive Secretary Germer, J. Louis Engdahl, editor of the American Socialist, William F. Kruse, Secretary of the Young People's Socialist League, Victor L. Berger, A. Shiplacoff, Stanley J. Clark, Emil Herman, of the National Executive Committee, and Irwin St. John Tucker. Frederick Kraft and Alfred Wagenknecht of the National Executive Committee served terms in prison, and Victor L. Berger, in addition to a sentence of twenty years, has four more indictments pending against him, besides being refused his seat in Congress. All the Socialist candidates for Congress in Wisconsin and the state secretary also, are under indictment. No mail whatever is permitted to be delivered to The Leader, the party daily in Milwaukee. Some two thousand Socialists in all have been arrested because of their opinions and the era of persecution is by no means ended.

“In March, 1918, Local St. Louis initiated a movement for a special convention which the National Executive Committee considered the following May. In a proclamation to the membership the impossibility of holding the convention was pointed out. Under the Espionage Act free discussion was an impossibility. Only one view could be heard regarding the war. To have held the convention would have subjected many comrades to persecution and imprisonment.”

By Mr. Sutherland:

Q. Now I ask you if the reason why you didn't hold any national convention in 1918 was not that if you had held that convention any expression of the opinion of the Socialist party as to the war, as that opinion actually existed and was held, would have subjected the members gathered in that convention, those members of the convention gathered there who expressed those opinions to prosecution and imprisonment under the Espionage Act? A. I think the report speaks for itself pretty clearly and is to the effect that we apprehended that the expression of perfectly lawful criticism or sentiments of opposition to the war would under the then existing conditions run a danger of being held as violation of the Espionage Law and incur prosecution.

Q. Now, Mr. Hillquit, do you recognize that the courts of this country have the authority under the Constitution to interpret the law and that under our judicial system it is through the action of

the judicial tribunals that it is determined as a matter of fact and law whether certain operations or acts are contrary to law or not?

A. We certainly recognize that authority without thereby recognizing the judgment of the judges as infallible. We recognize it in the sense that if a judge in our opinion was even wrongly to determine that a certain utterance is unlawful and should proceed accordingly and convict and impose sentence, we should certainly submit; we would appeal from such a decision and try to have it reversed and if at any time the highest authority should determine definitely and finally say for instance that this St. Louis resolution was unlawful, we would cease at once circulating it, but we don't for one moment admit that the judges or opinion of any judge on a bench is infallible.

Q. The Supreme Court of the United States has passed on the conviction of Mr. Debs, has it not? A. Yes, it has.

Q. And that conviction was affirmed? A. Yes.

Q. Hadn't it been affirmed when the report was made in September, 1919, to the convention? A. Certainly and it is referred to.

Q. Now, do you recognize that decision as an authoritative and binding declaration of what the law of the land is on that subject? A. There is hardly any law in that connection that was decided upon. We recognize the decision of the Supreme Court as final and binding and that is why Debs is in jail at this time.

Q. Do you recognize the fact that the highest judicial authority of the land, which is constituted under our law as the final judgment on that subject, has decided that Mr. Berger's speeches and acts were a violation of the law of this land? A. They have decided no such thing.

Q. I mean Debs. Excuse me, did I say Berger? A. No, as I read the opinion of the Supreme Court of the United States, it is to the effect that the question whether Debs' speech was intended to obstruct recruiting or enlistment was properly submitted to the jury, that the jury decided that it did and that ended the question. That is practically the substance of it, as I understand it.

Q. Does not the Supreme Court in that opinion say that Mr. Debs' avowed support of the St. Louis Manifesto and Platform of 1917 furnish proof that he intended to obstruct the government in its prosecution of the war? A. This is not my recollection of the opinion.

Q. Notwithstanding the judgment as rendered and affirmed by the Supreme Court of the United States you still declare, do you, Mr. Hillquit, that Mr. Debs represents and personifies the attitude of the Socialist party on the subject of loyalty to the United States government? A. I did not say that he represented the attitude of the Socialist party. I think I said that he represents the highest and noblest sentiments of United States citizenship and United States or American loyalty. I stand by my statement and characterization and pardon me, Judge, just let me finish my answer. I want you again to draw this distinction. In recognizing the constitutional power of the judiciary we do not attempt at any time to endow the judiciary with an air or odor of sanctity. For instance, if I knew very definitely that I at a certain time advanced a certain sum of money to Seymour Stedman, which might not be very wise and at a certain time demand repayment and he says "I have repaid it," and I know he has not and we come before the court and the court says he has paid you, I take an appeal and the highest court says the judge had a right to pass upon the question as he did and that is final, I will submit absolutely in that sense that I will bid farewell to my money forever, but if the judge says I never loaned any money or that he has repaid me, and that settles it, I know it is wrong. And our attitude in this connection is about the same. We are not convinced by the decisions of the Supreme Court. We recognize its binding power and we submit to it. Of course, we have no alternative.

Q. Now, Mr. Hillquit, let me understand you right: Do you mean to say that you doubt that Mr. Debs said things and did things for the saying and doing of which he was convicted, is that it? A. He was convicted only for saying things, not for doing things. I do not for a moment doubt he said the things he is charged with having said. I do not for a moment believe that he said anything with the intent to obstruct recruiting or enlistment, or with any criminal intent of any kind.

Q. Now, do you uphold and approve, as a leader of the Socialist party, of the words that Mr. Debs pronounced, and for which he was convicted? A. I haven't got his complete speech before me — I have not got every word before me. I do not want to commit the party in this general way to every statement. I will say, as a whole, I read his speech at the time and my impression was that it was a perfectly innocent, honest expression of opposi-

tion to war for very good and patriotic motives; that it was not intended in any way to obstruct recruiting or enlisting, or obstruct the actual military operations of this country.

Q. Have you any respect at all for the decision of the tribunal to the contrary? A. I have the respect to this effect: that I know that it is final and binding, and in practice will go. I do not have respect in the sense of believing that it is just, impartial and well-reasoned out. I think on the contrary the decision of the United States Supreme Court in the Debs case is one of which neither the court nor the country will be proud in the future.

Q. Mr. Hillquit, do you wish to be understood as saying now yourself that you approve of the words spoken by Mr. Debs for which he was convicted? A. Are you trying to get me a little conviction also, Judge?

Q. No, sir; I have no such intentions. I regard it as a matter of very grave importance. A. I know you do.

Q. I am not trying to create any facetious sentiment in this community, or in this presence, on a subject like that. Now, I ask you whether you approve of the language and the sentiment expressed by Mr. Debs, for which he was prosecuted and convicted?

(Discussion off the record.)

The Chairman.—Proceed.

The Witness.—I have stated very definitely, Judge, I am not in a position to endorse every word or every phrase contained in that speech just because I do not have it before me now. If you draw my attention to any particular part, I will tell you very definitely. As a rule, I fully endorsed his statements and sentiments on the subject of the war, as expressed, I suppose, in that speech and other speeches.

Mr. Sutherland.—Just one more question: I was going to call your attention to the fact that in the official bulletin of the party, containing the record of the convention of 1919 and the report of the executive committee, which I have just called your attention to, Mr. Debs is referred to as having earned the title of "Citizen of the World", and having earned the hatred of the capitalist class and the love of the brotherhood, or working people, of the world. Do you endorse that statement? A. Oh, I think it is somewhat poetically and abstractly expressed; but I share

the greatest respect for Debs, with all of my comrades in the socialist movement, I cannot think of any compliment too high for him.

Q. You think it is a pretty high compliment to say of a man that he is a citizen of the world, is it not? A. Oh, absolutely. That is what our President has been aspiring to. I think we are all trying to reach to citizenship of the world in the sense of having a heart large enough to include not our immediate concerns, or our own country's, but the brotherhood of men.

Q. And you think it was that largeness of view, do you, that led Mr. Debs to say the things which brought him into conflict with the law of the United States? A. Absolutely, just in the same way as it once happened to one Jesus of Nazareth.

Q. And because of his boldness in taking that position, you sit here and approve of his conduct and attitude, and declare that he is your candidate for President in 1920? A. Because of his courage; because he remained true to his convictions. Because, in the midst of universal hatred and blindness, he remained true to the gospel of love and brotherhood.

Q. I was speaking of what he said in contravention of the law of the United States. A. My point, Judge Sutherland, is that he did not say anything in contravention of the laws of the United States.

Q. And you say that notwithstanding the highest judicial authority known under the Constitution has declared him guilty of doing that? A. Yes.

Q. And in contempt of that authority, notwithstanding that authority, you say that he is the man that should be placed in the presidential chair by the votes of the Socialist party? A. I do.

Mr. Sutherland.— That is all, Mr. Chairman.

By Assemblyman Jenks:

Q. Just one question: If Mr. Debs were elected in 1920, how would you proceed to inaugurate him, as he is serving a twenty-year sentence? A. The chances are that prior to the time he would be called upon to occupy the chair, the powers that be will sober up enough to know that the present conviction is an improper and inhuman act, and liberate him.

Q. And reverse the Supreme Court of the United States? A. They do not have to reverse anything. All they have to do is pardon him.

By Assemblyman Cuvillier:

Q. How long has he been in prison? A. Almost a year.

Mr. Block.—In April, I think, it will be a year.

The Chairman.—Anything further, Mr. Stedman?

Redirect examination by Mr. Stedman:

Q. Will you state the party attitude toward the conscientious objector? A. Why, the party attitude toward conscientious objectors has been a neutral one. The party itself is a political party. The conscientious objector is a person whose policy is dictated by his individual conscience, by his individual sentiment; and just as the party does not interfere in matters of religion, so it does not interfere in matters of private or individual conduct; in other words, whether a member of the party feels it is compatible with his conscience to take up arms or not, does not concern the party. It concerns solely the individual member.

Q. I don't know whether you have covered it or not, but you suggested the uncompromising section of the International Socialist movement, you marked it; do you want to refer to that? That is on this "pro-war Socialists repudiated"? A. When we spoke about taking our stand with the uncompromising section, I said, "We unreservedly reject the policy of those Socialists who supported"—by the way, the record is not correct here; it makes it in the present tense—"who supported their belligerent capitalist governments on the plea of 'National defense' and who entered into demoralizing compacts for so-called civil peace with the exploiters of labor during the war and continued a political alliance with them after the war," what I mean to point out is that this three-fold characterization applies principally and as I can think of at this moment almost exclusively to the majority Socialists of Germany who had done all the three things,—supported their capitalist government on the plea of national defense during the war; entered into compacts for so-called civil peace by which they allowed the profiteers to grow rich but kept down the workers from demanding any improved conditions during the war, and after the war made common cause with the Junker class and military clique and are now conducting a government in alliance with such elements. It was such elements principally that I had in view and that I characterized with this three-fold statement.

Q. Will you state when the Left Wing started? I ask you that because one of the committeemen asked a question indicating that

possibly in his mind it occurred during 1917. A. My recollection is back in the early part of 1919 it began.

Q. You were quoted in the record here as making the statement this morning of "sticking to the country, whether this country was true or false." A. Will you read it again — if I used the expression "sticking to the country," whether it is right or wrong, I did not mean to imply that the condition may arise where we would secede from the country because it is wrong. What I meant to say was we would not stick to a wrong position and if we thought that our country's position was wrong we would try to make it right. That is the same thing stated at first. Anything else, Mr. Stedman?

Mr. Stedman.— I think that is all.

Mr. Block.— I want to read from "The American Socialists and The War," at page 14, "The Lusitania Crisis." That was referred to by Mr. Conboy and I wish to read it at this time.

"When the sinking of the Lusitania gave the militarists and jingoes of this country the opportunity to demand an immediate declaration of war upon Germany, the National Committee of the Socialist Party assembled at its annual meeting, May, 1915, addressed a manifesto to the American people warning them against the influence of the interests which were laboring hard to stampede the United States into war. It called upon the workers to oppose war agitation and to refuse to support the ambitions of those who profit by war.

"To The People of The United States.

"Fellow Citizens:

"The insidious propaganda of American militarism has received a powerful impetus through the destruction of American lives as a result of the war operations in Europe. The jingo press of the country is busily engaged in reckless efforts to turn the cries of natural indignation of the people into a savage howl of revenge. Short-sighted 'patriots' and professional militarists are inflaming the minds and blinding the reason of their fellow citizens by appeals to national vanity. The sinister influences of the armament ring work through thousands of hidden channels to stimulate a war sentiment, which to it means business and profits.

"In this grave hour of national crisis, the Socialist Party of the United States raises its voice in solemn and emphatic protest against this dangerous and criminal agitation, and proclaims its undying opposition to militarism and war. No

disaster, however appalling, no crime, however revolting, justifies the slaughter of nations and the devastation of countries.

“The destruction of the *Lusitania* and the killing of hundreds of non-combatants, men, women and children, on board the steamer, brings more closely home to us the fiendish savagery of warfare and should inspire us with stronger determination than ever to maintain peace and civilization at any cost.

“Strong armaments and military preparations inevitably and irresistibly lead to war as the tragic example of the nations of Europe has conclusively demonstrated.

“We call upon the people of the United States to profit by the lesson of our unfortunate brothers on the other side of the Atlantic Ocean and to throttle all efforts to draw this country into the dangerous paths of international quarrels, imperialism, militarism and war.

“We call particularly upon the workers of America to oppose war and all agitation for war by the exercise of all the power in their command, for it is their class who pays the awful cost of warfare, without receiving any of its rewards. It is the workers who primarily furnish the soldiers on the battlefield and give their limbs and lives in the senseless quarrels of their masters.

“Let us proclaim in tones of unmistakable determination: ‘Not a worker’s arm shall be lifted for the slaying of a fellow-worker of another country, nor turned for the production of man-killing implements or war supplies! Down with the war! Forward to international peace and the worldwide solidarity of all workers!’”

Mr. Stedman.—I wish to read from the *New York Assembly Journal*, 80th Session, 1857, April 18th, “a message from the Senate was received and read informing that they had passed, with amendments, the following resolutions:

“Resolved (if the Senate concur), that this state will not allow slavery within her borders in any form or under any pretense, or for any time, however short.

“Resolved (if the Senate concur), that the Supreme Court of the United States, by reason of a majority of the Judges thereof having identified it with a sectional and aggressive party, has lost the confidence and respect of the people of this state.

“ Resolved (if the Senate concur), that the Governor of this state be and he is hereby respectfully requested to transmit a copy of this report, the law entitled ‘An Act to Secure Freedom to All Persons Within this State,’ and these resolutions, to the respective Governors of the states of the union.”

On page 1544 the report of the affirmative votes is shown as 46, the negatives 23.

“ Ordered, that the Clerk return said resolutions to the Senate, with a message informing of concurrence in the amendments of the Senate.”

OTTO FRANKLIN BRANSTETTER, called as a witness and duly sworn, testified as follows:

Direct examination by Mr. Stedman:

Q. What is your name in full? A. Otto Franklin Branstetter.

Q. Where do you live? A. Chicago.

Q. Are you a Socialist? A. I am.

Q. How long have you been affiliated with the Socialist party?

A. Sixteen years.

Q. By the way, where were you born? A. Missouri.

Q. Your parents born in this country, grandparents, and so forth? A. They were, four generations.

Q. How long have you been a member of the Socialist party?

A. Sixteen years.

Q. In what capacity have you served? A. I was State Secretary of the Oklahoma organization for four years, I have been delegate to the national conventions of 1908 and 1912; I have been a national organizer and a lecturer for the Lyceum Bureau, and as organizer and lecturer I think I have spoken in some 30 or 35 States.

Q. You say you have been speaking at meetings in some 35 States? A. Yes, sir.

Q. When was this? A. From 1908 until the present time.

Q. You were generally familiar with the members? A. Quite familiar.

Q. In a general way, throughout the country, you met them at the meetings? A. Generally; yes.

Q. Have you attended any national conventions? A. All of the national conventions, except the St. Louis convention, since 1904.

Q. When were you elected National Secretary? A. In October, 1919.

Q. And as such secretary you have possession of the books, papers and files of the national office? A. I have.

Q. When were you secretary of the Oklahoma Socialist party?
 A. From 1908 to 1912, with a slight intermission.

Q. What is the general population in that State with reference to foreign-born persons? A. The 1910 census gives the foreign-born population at 2.4 per cent.

Q. How does the membership in the Socialist party stand in that State as related to other States, say, New York? A. The Oklahoma organization, both in dues-paying membership and in the vote cast for the Socialist candidates, is larger in proportion to the population and to the total vote cast than of any other State in the Union, and has been so for the last ten years continuously.

Q. Has it been so in spite of the lectures of Mr. Collins? A. It has been so in spite of the lectures of Mr. Collins, and the high price of cotton.

Q. What are the conditions there at the present time in the socialist movement with reference to activities? A. The conditions are, we have a dues-paying membership of approximately 2,000, and this in spite of the fact that the local organizations have been unable to meet except in one or two of the larger towns for approximately three years.

Q. Why? A. On account of the terrorization.

Q. Are they promoting a paper there? A. They are preparing to commence publication of a daily newspaper in Oklahoma City this coming spring, all arrangements for which have been going on for the past two years, and during which time over 7,000 citizens of Oklahoma have contributed upwards of \$160,000 for the purpose of establishing this daily socialist paper.

Q. What percentage of foreign-born persons are in the organization there? A. Well, I don't think we have any figures on that. The entire foreign-born population in the State is only 2.4 per cent, and there is not a single branch, and I think never has been a single branch of any of the language federations in the State of Oklahoma. They are all members of the English-speaking organization.

Q. In how many counties have you spoken there? A. I have spoken in every county in the State.

Q. You are familiar with the members of the party there? A. I was for a period of eight years, personally acquainted with thousands of them.

By Mr. Stedman:

Q. Well, can you say what percentage, if any, are foreign born that you would say as a maximum, in the party? A. Well, there is not one per cent in Oklahoma.

Q. I mean in the party? A. In Oklahoma, not one per cent.

Q. I think Oklahoma is one place where there was resistance to the draft, is it not? A. I think it is the only State in which there was open, forcible resistance to the draft.

Q. Did you read the papers during that time down there? A. I did from there.

Q. Let me ask you whether any Socialists were engaged in that, to your knowledge, or if the papers charged Socialists with being a party to that resistance? A. There were some Socialists, I think, who were charged with being implicated; but the Socialist Party was never charged with being implicated, or being responsible, or connected with it in any manner, shape or form; and even the opposition press did not attempt to charge that the party was responsible or connected with the outbreak at all.

Q. You are familiar with the literature department of the organization — the national? A. Fairly well.

Q. In what way is that conducted? A. Well, it is conducted really simply as a selling and distributing department of literature on Socialism and allied subjects; not confined to literature of Socialism; it is confined to literature on all economic, sociological and political questions; some books against Socialism; the majority, of course, in favor, and upon various phases of the Socialist movement.

Q. Who has charge of that now? A. Well, at the present time there is no director of the literature department. As executive secretary, I have charge of it.

Q. Do you know who had charge of that under Adolph Germer? A. Edwin Firth had charge of it a portion of the time, and in the late fall of 1917 I had charge of it.

Q. What were his duties, if you know — that is, in general, it was to promote the sale of literature? A. That is what he was employed for.

Q. Do you know of any statement issued by the party, or this office, by or through which the party assumes responsibility for the theories or the statements made in the various publications sold? A. No. On the contrary, the position of the party, as expressed by the executive committee and the literature department, has always been that the handling or the selling of a book by the literature department does not imply endorsement of the book or agreement necessarily with its statements. I make this statement officially and unquestionably: the executive committee, in 1913, adopted a resolution which appeared upon our catalogs, to the effect that the inclusion of a title in this price list and

catalog did not carry with it the endorsement or the sanction of the party unless expressly so stated.

Q. In relation to the structure of the organization what, if any, practical relationship exists between the foreign federations and the socialist party? A. Well, the foreign federations are organized upon the language basis. The French federation, the Polish federation, the Finnish federation, and so on. Their relationship to the party, as federations, is rather loose. Theoretically, and under the constitution of the socialist party, the federations are under the control and under the authority of the executive committee. Actually and practically, they are independent autonomous federations, for the simple reason that their business is conducted through their translator-secretary in their own language, and it is not practically possible to translate all their correspondence, everything they do, that we necessarily have to allow them a great latitude of autonomy.

Their constitution provides, and our constitution provides, that is, I mean, the constitution of the party and the Federation itself, provides that their activities and proclamations and all acts of the organization, as a Federation, shall be in harmony and not in conflict with the platform and constitution of the socialist party.

Q. Do they hold their conventions? A. They hold their conventions and pay their own dues.

Q. Is there any representation of the national office of the socialist party? A. No, we are not represented, and in our convention they are represented only by a fraternal delegate without a vote.

Q. With reference to the Young People's Socialist League — the Y. P. S. L. — so designated, what is the relationship of the national organization with that organization? A. Well, it is quite similar to that of the language federation, with the exception that in the Young People's Socialist League, it is not even implied that the members of the League are socialists. As a matter of fact, quite a large number of the Y. P. S. L. members are not members of the socialist party, or even claim to be socialists in sympathy.

They reach out and take in young people of all political faiths, and lack of faith. They are very largely a social organization with the purpose of teaching the principles of socialism, and they take in, as members, young people regardless of their political beliefs or affiliations.

The national office furnishes office room to the secretary of the Young People's Socialist League, the secretary is elected by a referendum vote of the Leagues, and holds its own convention;

has its own sources of revenue and income, and adopts its own rules and regulations.

Q. Is there any representation in their convention from the national organization of the socialist party. A. The socialist party is not represented in their convention, and they are represented in our convention only by a fraternal delegate with no vote.

Q. Are any subordinate bodies, state, county or city organizations of the Socialist party, entitled to representation in the convention of the Young People's Socialist League, or in the Foreign Speaking Federation? A. No.

Q. Referring to the citizenship of the foreign speaking federation, how is that made up? A. Well, the citizenship of the federations is approximately that of the citizenship of that particular race in the United States. I think on the whole that the percentage of citizens within a federation that has a percentage of their membership who are naturalized and are citizens, is generally somewhat larger than the percentage of that nationality in the United States who are citizens.

A census of the Finnish Federation taken, I think, in 1918, showed something over 60 per cent of their membership who were citizens. A quarterly report of the Bohemian federation for the last quarter of 1919, showed of these locals and branches which had reported, showed a citizenship in the Bohemian Federation of 60 per cent.

Not only is the percentage of citizenship high in these federations, but in a number of federations, namely, the Finnish, the German, the Lithuanian, more especially, I think, those three, quite a large number of their members are native born Americans, the reason being that where there are large communities, largely composed of that nationality with incoming immigrants, where the language is kept up, where they have fraternal and social organizations speaking Finnish, why, the socialist local there is naturally of a Finnish Federation local. The young people of the race in that community naturally join a branch of their own people, and their own language federation, which results in quite a large number of members of the language federations being native born members. The membership in the language federation does not imply that he is alien or foreign born. Many times it is not. The translator-secretary of the Italian Federation was born in Buffalo, N. Y., in one instance.

Q. What is his name? A. La Duca.

Q. Do you know what the citizenship is of the Socialist party? We are now excluding federated bodies? A. Well, excluding

the federations, it would practically be 100 per cent. The only complete census that we ever took, reaching down and getting actual membership, each individual, was some years ago, when a census, including individual reports and statements from some, I think, over nearly 30,000 members out of a membership of forty or fifty thousand, that time showed 71 per cent as being American born.

Mr. Sutherland.— Dues paying members?

The Witness.— Yes. Those are the only ones we have access to.

Q. Referring to the St. Louis Convention, do you know the percentage of American born? A. Seventy-four per cent of the delegates to the St. Louis Convention were American born, and so far as I know or am able to learn every delegate who was not American born was a naturalized citizen.

Q. Referring to the conventions of the party, are they in the open? A. Always.

Q. So that any person can attend them? A. Always.

Q. Are the books, papers, files, documents of the Executive Committee open to inspection by any persons? A. All the official records of the party are not only open to inspection in the sense that any representative of an affiliated body or of the public can go to headquarters and see them or inspect them, but they have been published and widely disseminated both in our party papers and documents. You have here the proceedings of every national convention I think and the reports of committees and those are all published by the Literature Department and every effort made to get them into the hands of the public. We have such publicity, such things as campaign contributions, and the reports of the meetings of our Executive Committee, and long before there was a corrupt practices act and such financial expenditures had to be accounted for, the Socialist party published in its bulletin a complete record of it, its receipts and expenditures and the minutes of its committee meetings were published in the papers as a matter of party policy always.

Q. When you came into office the Constitution was used that your predecessor used, Adolph Germer? A. Well, it was just in the process of being changed by the referendum. I submitted that as one of my first acts.

Q. That Constitution has been changed by the referendum recently completed? A. Yes, sir.

Q. When was this referendum completed? A. I think it closed January 13, this year.

Q. And at that time the minority report was adopted which was sent out by the convention? A. It was.

Q. Referring to your Constitution as applied to different states does —

Assemblyman Evans.— What report is that?

Mr. Stedman.— That is the minority report referred to here in reference to the attitude of the Socialist Party of the United States toward the Russian Soviet or Moscow International.

Q. Referring to the name of the party does it travel under the name of the Socialist Party in all states? A. No, it is officially the Socialist Party of the United States and so designated in our Constitution, but in Wisconsin it is the Social Democratic Party, and some years back in Minnesota it was the Public Ownership Party, and in various states it has had various names owing to the election laws and the possibility of functioning, in getting on the ballot under the title. Those constitutional provisions are always subject to being modified to comply with the various laws and certain acts.

By Mr. Stedman:

Q. That is the practice and the recognized effect of the Constitution is that it is out of place and effect excepting where it comes into conflict with the rules and regulations of the city or state, or any political subdivision? A. Yes.

Q. Referring now to the provision requiring the resignation of persons elected to office; is that in the Constitution? A. Not in the National Constitution. It is in the Constitution of some of the state organizations. I think 15 years ago it was in the Constitution perhaps in practically every state organization. At the present time it is not in the Constitution of many of the larger and more important state organizations — New Jersey, Pennsylvania, Delaware, West Virginia, Illinois, Wisconsin, Missouri. I think Arkansas and Texas do not have such a provision in their Constitution. In other states where it does exist it is practically a dead letter. In New York it is not enforced. In Oklahoma, during my last administration as State Secretary, which was in 1911 or 1910, it was enforced. I think generally throughout the country it is practically dead. I have not seen a copy of the resignation form, which the National Office used to keep, 15 or 20 years ago, to furnish along with other supplies of the organization — I do not think I have seen a copy of that form for 10 years, until publicity was given to the matter in the hearings here. As a result of that I got an order from a Secretary — a local Secre-

tary — for some resignation blanks. It came into the office in the regular office routine and went to the order clerks —

Q. From what place was that? A. Michigan. The order clerks have both been in that department something over two years, and maybe one of them longer, and they had never seen nor heard of the resignation blank and did not know what the order called for, and brought it to me to find out what this comrade wanted; and after we looked into it, we managed to find some of them. As I say, I had not seen it for ten years before.

Q. Affiliation with the National organization is through electing delegates by what method? A. Well, it is through the election of delegates to the international congresses.

Q. By referendum vote or by convention? A. Well, it has been generally, in the past, by referendum vote; upon a couple of occasions by the national committee, and also through the national secretary.

Q. Referring to the Moscow Manifesto; have they been on sale by the party? A. Yes.

Q. Along with the other literature? A. Along with the other literature.

Q. Was there any special effort, to your knowledge, made to push the sale of that particular booklet? A. Well, I could not say a special effort, to my knowledge, because I was not in the office at that time. There was a prominent advertisement in the party press. The very nature and importance of the document resulted in a wide-spread sale, and a large number were sold.

Q. Have you advertised other works in the same way? A. Always.

Q. As they came along, and you regarded them as a good selling proposition? A. New publications, which we thought the members would be interested in, were advertised while there was a demand for them.

Q. Mr. Collins made the charge that the propaganda of the American Socialist Party was paid for in part by Russian money. Have you seen any roubles coming into the office? A. No, I have not.

Q. You have never heard of any such contributions? A. There never has been any such contribution.

The Chairman.— We will adjourn until 10:30 tomorrow morning.

(Whereupon, at 6 P. M., a recess was taken until Friday, February 20th, 1920, at 10:30 A. M.)

STATE OF NEW YORK — ASSEMBLY CHAMBER

In the Matter of the Investigation by the Assembly of the State of New York as to the Qualifications of Louis Waldman, August Claessens, Samuel A. deWitt, Samuel Orr and Charles Solomon to Retain Their Seats in Said Body.

THE CAPITOL,

ALBANY, N. Y., *February 20, 1920*

Present:

Hon. Louis M. Martin,
 Hon. George H. Rowe,
 Hon. James M. Lown,
 Hon. Edmund B. Jenks,
 Hon. Edward A. Everett,
 Hon. William W. Pellet,
 Hon. Edward J. Wilson,
 Hon. Charles M. Harrington,
 Hon. Harold E. Blodgett,
 Hon. Theodore Stitt,
 Hon. Louis A. Cuvillier,
 Hon. Maurice Bloch,
 Hon. William S. Evans.

Appearances:

For the Judiciary Committee:
 Charles D. Newton,
 John B. Stanchfield,
 Arthur E. Sutherland,
 Elon R. Brown,
 Martin Conboy,
 Samuel E. Berger,
 Archibald E. Stevenson,
 Henry F. Wolff.

For the Socialists:

Morris Hillquit,
Seymour Stedman,
S. John Block,
Gilbert E. Roe,
William S. Karlin,
Walter E. Nelles.

LOUIS M. MARTIN, Chairman.

(The Committee met pursuant to adjournment at 10:45 A. M.)

OTTO FRANKLIN BRANSTETTER, resumed the stand.

The Chairman.— Proceed, gentlemen.

By Mr. Stedman:

Q. Mr. Branstetter, you may, if you will, explain the general operation and working of the party and its scope of activity.

Mr. Sutherland.— A party do you mean?

Mr. Stedman.— The Socialist Party. The only coming party.
(Laughter.)

The Witness.— I have got to answer that in two sections, Mr. Stedman.

Mr. Stedman.— That is all right. That's the way the trains are running.

The Witness.— Of course the operation of the party as a political organization, the Socialist Party is rather a loosely organized party so far as the national office is concerned. The organization is more compact than is customary in political parties such as the Democratic and Republican, but not nearly as much as in labor organizations. We have a dues-paying membership but the record of the members is not as accurate or kept as completely as to dates as in fraternal and labor and insurance organizations.

Q. What is your method of collecting dues? A. The method of collecting dues is this: The local members pay dues to their local secretary for which they receive a due stamp which is placed in their membership book showing the months for which dues are paid. The local secretary in turn purchases these due stamps

from the state secretary and the state secretary purchases due stamps from the national secretary. Now in purchasing due stamps the local secretaries do not ordinarily report the individual members for whom the stamps are purchased to the state secretaries, nor the state to the national, so that the national organization has no file of party members. Some state organizations have a file, but ordinarily not. Only the local secretary has a complete list of the members and their individual standing in the organization. The party constitution providing general principles to which all state and local organizations agree is generally complied with but within those general provisions the state organizations have a great measure of state autonomy and the local regulations and rules of the party in various states differ very widely due generally to the difference in the election law. The state and local organizations modify their local by-laws and constitutions in conformity with the requirements of the election laws in the different states so that there is quite a difference in those respects.

The income of the party, outside of the dues, is derived from voluntary contributions, not only for campaign purposes in campaign years, but for special funds, such as strike relief and the relief of children in strike zones, and all special purposes for which the party desires to reside money is raised through voluntary contributions. The activities of the party are not confined to the political organization or the political campaign.

By Mr. Stedman :

Q. Previous to this new constitution that has been adopted, what did you receive for each stamp? A. The national office received five cents.

Q. And the average sale of stamps determined your estimate of membership? A. Yes. The national office receives five cents for each stamp; that is for each regular due stamp. We also have what we call dual stamps, a stamp used by husband and wife, a perforated stamp, the husband using one on his card and the wife one on her card. We also have exempt stamps, where members are unemployed or through sickness are exempt from paying dues by action of the organization.

Q. You may proceed. A. Outside of the regular political activities of the party it covers quite a wide field, because we are more than a political party. We are an educational organization, and as such we carry on extensive educational campaigns amongst

our membership, the effort of the party being always to give members and our sympathizers as wide and thorough understanding of the principles of Socialism, and also of general knowledge where it is possible for us to do so; and in that field our literature covers every phase of Socialism on both sides of the subject. We desire that our membership shall be thoroughly posted and familiar with not only the questions of Socialism but of civics and government generally, and not with one-sided information, but knowing both sides and understanding both sides of the question.

Q. You have historical works? A. Yes, sir.

Q. And history of the Supreme Court? A. The History of the Supreme Court; civics and all similar and allied subjects and questions.

Q. Have you a publication there of books listed by the party for sale? A. I have.

Mr. Stedman.—I would like to have this book marked for identification.

(The book referred to was marked Exhibit 4 for identification.)

Q. Is this exhibit circulated generally by the party? A. It is, or was; it is rather out of date now.

Q. I wish you would read from the preface the three paragraphs. A. The title is: "What to read on Socialism and Allied Subjects," published by the Socialist Party. The abstract is as follows: "It is the purpose of this catalog to include all books and pamphlets that are of importance to the Socialist reader and student. It includes those that are favorable to Socialism and those that are written against it, as well as works that discuss many different phases of Socialist problems even though they may not be directly involved in the Socialist program. The appearance of any individual book in the list, therefore, by no means implies the endorsement of that book by the Socialist Party.

"In order to make this clear and definite, the national executive committee of the Socialist Party in its session June 2, 1913, passed the following resolution:

"Resolved, That the placing of the name of any paper, publication or book on lists or catalogs sent out by the national office does not necessarily imply endorsement of such paper, publication or books, excepting when expressly stated.'"

Mr. Stedman.—Now, Mr. Chairman, I am not going to offer it in evidence because it contains some sixty-eight pages, mostly

listed books, but I want to read and call attention to a few features of it.

Mr. Sutherland.— Will you tell us who printed that book?

Q. Who printed that book? A. The Socialist Party.

Mr. Sutherland.— It came out of some printing office; where was it actually printed?

The Witness.— It was printed at the Western Printing and Lithographing Co., at Racine, Wis.

Mr. Stedman.— On page 4 there is a "short course in Socialism," general works: "Socialism," by John Spargo; "Principles of Scientific Socialism," by Charles Vail; "American Socialism of the Present Day," by Hughan; "Socialism Summed Up," by Hillquit; "Why I am a Socialist," by Charles Edward Russell; "What's So and What Isn't," by John M. Work; "Case Against Socialism," by A. J. Balfour; "Ethics of Socialism," by Bax; "Usurped Power of the Courts," by Benson; "Truth About Socialism," by Benson; "Socialism; a Handbook of," by W. D. P. Bliss.

Q. That Bliss, he was a reverend, was he not? A. He was.

Mr. Stedman (reading): "Campaign Book of 1914; History of Civilization in England," by Henry Thomas Buckle; "The Collectivist State in the Making," by Emil Davies; "Lectures and Pledges," by Debs; "Misery and Its Cause," by Devine; "Monopolies and Trusts," by Rich T. Ely; "Socialism and Reform," by Ely.

Q. I may ask you, is that Richard T. Ely the professor who was the professor of economics in Wisconsin University? A. It is.

By Mr. Stedman:

Q. "Feuerbach, Roots of the Socialist Philosophy," by Frederick Engels; "Fabian Society," "Impossibilities of Anarchism," "Municipal Drink Traffic," "Report on Fabian Policy," "Revival of Agriculture," "State Aid to Agriculture," "What the Farm Laborer Wants," "Co-operation at Home and Abroad," "Socialism and Modern Science," by Francisco Ferri, "County Option," by Winfield R. Gaylord, "Progress and Poverty," by Henry George, "Social Problems," by Henry George, "Menace of Privilege," by Henry George, Jr., "Mass and Class," by W.

J. Ghent,—I have only reached here. It runs on through clear up to Z. I am going to pass it over to counsel and then they want to read some of the lists, which they may do if they wish. "What's So and What Isn't," by John M. Work, "Co-operative Banking, Its Principles and Practice," by H. W. Wolff, "Initiative and Referendum," H. W. Wilson Company, "Debaters' Handbook," by H. W. Wilson Company, "Compulsory Insurance," "Commission Plan of Municipal Government," "Socialism and Socialism vs. Alcoholism," by Frances E. Willard,—she was a temperance worker, Frances E. Willard? A. She was.

Q. D. F. Wilcox, "Municipal Franchises," "Socialism as it is," William English Walling — and there are Carl D. Thompson, Ida Tarbell and others. Now you may proceed. A. In addition to the circulation of the general works of that character, the Socialist Party has appointed special committees to investigate special problems and report to their congresses and our conventions. It had reports from special committees on immigration, on the liquor question, on vocational training, on banks and banking, and those reports from those special committees are published and circulated by the party amongst the membership for their information. We maintain a bureau of information in the national headquarters with quite a staff of assistants where we undertake to furnish not only to party members but to the general public information on all kinds of industrial, political and sociological questions,—quite a large library, and our investigations for the benefit of our inquirers to furnish information cover a very wide field. We have a publication showing the work of the department running over a year or two upon which we have investigated and answered questions of Socialists and non-Socialists on every conceivable phase of government, municipal government and industrial matter generally. In connection with their work also we appointed special committees of the party to investigate certain industrial and social phenomena. We sent a special committee to investigate the conditions and causes of the copper miners' strike in the Calumet's region in Michigan; we sent a special committee into West Virginia to study the coal strike, and the reports of these committees and investigations were published and circulated. In addition to the educational side of our work we do other work for the purpose of assisting the working class as well as extending the strength of the party. For example in the Calumet strike and West Virginia coal strike and the Colorado coal strike, the Lawrence, Mass., textile strike,

the party, through the party organization, takes up subscriptions of funds for the benefit of the strikers and for all those strikes our contributions to those members of the party mounted into thousands of dollars.

Q. In this connection where you speak of assisting strikes, is there any instance where the Socialist Party advocates or has advocated a strike or used its influence to induce trade unionists to strike? A. No, the Socialist Party does not attempt to interfere with the internal forces of the economic organizations. We couldn't do it and we have no desire to dictate to the labor union when it should strike or why it should strike, but once a labor union goes on strike it always receives the support and assistance of the party, by our speakers and press and often by contributions. Another department has undertaken to care for the children who suffer through no fault of their own in those strikes. Our strike children's relief fund, in which the women's committee of the party raises funds for the special purpose of buying shoes and clothing for the children of the men on strike, as a result of that committee's activity in the Calumet strike we sent whole cases of shoes and warm underwear and overcoats —

Q. Sent a couple of carloads, didn't you? A. By the carload into those strike districts, mounting into thousands of dollars worth of clothing and shoes, to be sent to the children of strikers in Colorado, Michigan and other strike zones. That work extends over a long period of years, as late as the last couple of months. We sent shoes and underwear and such things into the strike zone at Gary during the steel strike for the relief of the children there who were in want.

Also in addition to those activities the party has undertaken to inform the foreign-born or the foreign-speaking members and sympathizers with the party upon American conditions; give them an understanding of American institutions, and secure their nationalization. The Socialist party perhaps was the original Americanization people. We started the naturalization schools and appointed naturalization committees in our state and local organizations as far back as ten and twelve years ago, and in furtherance of this work of naturalizing the foreign-born, the national offices prepared and published a booklet, "How to Become Naturalized." We translated that into Finnish, and in addition to those two languages, which we published and which were prepared by the party, we sold extensively Jordan's "Naturaliza-

tion Made Easy." We carried that and now have it in stock in seventeen different languages.

Q. Who is Jordan? A. Jordan is a Chicago publisher who makes a specialty of publishing those kinds of books.

Q. Has the party any connection with his institution? A. No, the party has no connection with his institution.

Q. It is an outside enterprise with which we have no interest? A. It is an outside enterprise with which we have no interest, but we bought his books at such a price there was no profit or most of them were sold at a loss. We have the collection of those books in seventeen different languages for the purposes of extending the knowledge of the American institutions and securing the naturalization of the foreign population.

Assemblyman Cuvillier.—Have you got a school to teach them English language and the Constitution of the United States?

The Witness.—The party as itself does not conduct such a school. Local organizations have conducted such schools, especially where there is a large foreign population and our language federations have conducted classes; nearly all of them did conduct classes in English and Americanization.

Assemblyman Cuvillier.—You spoke about that you have seventeen different foreign language associations and literature to make American citizens. Do you teach them the Constitution in the American language?

The Witness.—Yes, we have some books in English and those that we publish and the one we translated in Finnish ourselves has the English and Finnish in parallel columns on opposite pages. The work is published in English and on the opposite page is the Finnish translation, both for the purposes of giving the information and giving them a knowledge of the English language. This is one of them (showing book).

Assemblyman Harrington.—Mr Branstetter, I understood Mr. Stedman to ask you whether the Socialist party advised, I believe, men to strike. Was that the question?

The Witness.—I think that was not men, but unions.

Assemblyman Harrington.—And you replied you didn't use any methods to urge them to strike but once that they struck your sympathies and aid was for them. Is that correct?

The Witness.— That is correct.

Assemblyman Harrington.— Is that true regardless of whether you think the strike is justified or not?

The Witness.— Well, it wouldn't be true if we thought the strike wasn't justified, perhaps. I couldn't make a general answer to that. As a general rule strikes are justified; at least we so consider.

Assemblyman Harrington.— The Socialists go on a theory that strikes are generally proper and you help them out.

The Witness.— We go on the theory that strikes are necessary, absolutely essential and necessary to the welfare of the working classes; that they did organize into labor unions and having organized, while not desirable, it is necessary upon occasion that they strike.

Assemblyman Harrington.— So they can always rely on the Socialist Party to sympathize with them and help them once they strike?

The Witness.— An organized movement, irrespective of political belief or affiliation of its members, a group of organized workers striking for the betterment of their conditions can always depend upon the support and assistance of the Socialist Party.

By Mr. Stedman:

Q. That assistance consists of making public what their demands are, what the grievance is, what the cause of the strike is from the workers' standpoint? A. It does, through every avenue of publicity we possess.

Q. In other words, the Socialist Party does not enter into the trade union for the purpose of saying when it shall strike or when it shall not strike. It determines that for itself; the trade unions determine that? A. The trade unions determine that. We don't enter in for the purpose of determining those things or for the purpose of benefiting the Socialist Party or because we are Socialists. We support strikes and trade organizations because they improve the conditions of the working class.

Q. You may state some of the committees, if you wish, who have been appointed to make investigations. A. Well, the committee which investigated the West Virginia coal strike was

composed of Eugene V. Debs and Victor Berger and Adolph Germer.

Q. Adolph Germer a miner? A. Miner, yes.

Q. And he was an official and vice-president of the United Mine Workers of Illinois? A. One of the districts of Illinois. In the Calumet Copper strike our committee consisted of Victor Berger, Seymour Stedman and Charles Edward Russell. Our committee on vocational training consisted of May Wood Simons, I believe of Algernon Lee. I do not recall the other members.

Q. Was there any general legislative program adopted at any time by the party? A. Well, we have in our resolutions and platforms a legislative program, a set of demands. The information department has collected all the various bills and measures introduced by Socialist members of State legislatures and of city councils, and tabulated them, the subjects, which the bills cover, their number and character, and we have published that. That is valuable also.

Q. I call your attention perhaps to a committee that formulated a general legislative program including the pathological treatment of criminals some years ago; do you recall that? A. I think that was in the Congress of 1910 that that was adopted.

Q. Now, you used the term, "congress"; will you please distinguish, if there is any, between what you term a "congress" and a "convention" of the party? A. The conventions are the nominating and platform-adopting assemblies which we hold ordinarily in Presidential years only.

Q. That you call a convention? A. A national convention.

Q. But the work in that convention is equal in stroke if it desires with that which you call a conference? A. Oh, yes.

Q. Now, what do you call a conference? A. A congress is an assembly of delegates in years not Presidential years. We do not hold at regular intervals party congresses any more. When they were in effect, the national convention was held in the Presidential years. The national congress was held in the intervening years. The national convention in 1910 and the national congress in 1912. The convention later gave way to a meeting or conference of state secretaries.

Mr. Hillquit.— You mean that the congress gave way.

The Witness.— The congress gave way. Instead of the intervening congresses between conventions, we hold an annual meeting of state secretaries for the purpose of discussing party organization and party matters for the extension of the work and methods

Q. The only difference, then, between what you term the congress and the convention was the fact that one nominated and the other did not? A. That is the only difference.

Q. Nominated Presidential candidates? A. Yes.

Q. Referring now to Berger's speech, which was quoted yesterday and referred to, do you recall that convention at which his address was made? A. I do.

Q. When and where was it held? A. That was the national convention of the Socialist party of 1908, held in Chicago.

Q. Do you remember the occasion of that address? A. I do.

Q. State it. A. The address was in speaking on a motion amending the report of the committee on constitution, the provision under discussion being the insertion in our constitution and in our application for membership, the acceptance of the applicant of the principles and platform of the Socialist party with the words inserted, "Including political action," which formerly had not been included, and also providing a penalty of expulsion for any person who opposed political action as a means of emancipation for the working class. It was in support of that motion that Comrade Berger's speech was made, and the motion was adopted and submitted to referendum and adopted by referendum and incorporated in the constitution of the party in 1908.

Q. Do you know the nationality of the executive committee; I will put it differently; referring to the membership of the national executive committee, have any of them been aliens?

Mr. Hillquit.— Within what period, Mr. Stedman?

Q. Within the last ten years? A. The executive committee now consisting of seven members—six of them are American-born, one of them foreign-born and naturalized. Preceding committees of the same general character. The National Executive Committee has varied in numbers at different times from five to fifteen. So far as I know, and I think I know, the composition of every executive committee since the organization of the party there has never been an alien on the committee with perhaps one exception.

Q. Who is that? A. John Spargo was a member of the executive committee at a time when it was not known, and I did not know it. I think there was some question at that time as to whether he was a citizen or not, whether he had been naturalized.

Q. Where was he born, what country did he come from? A. He was English.

Q. He is the John Spargo who has been referred to here as an author? A. He is.

Q. Who wrote the book on Sabotage? A. Yes.

Q. In his testimony, Mr. Collins stated that 70 per cent of the Socialist party were aliens; will you state the facts in regard to that? A. Well, the facts are these: As I formerly stated here, the national office hasn't the individual membership rolls and the records, therefore, we at no given time are able to give a positive definite answer. We have taken censuses. The composition of our delegate bodies and of our national conventions, the percentage of American-born delegates, are a fair representation, and on account of those things and also of my personal knowledge and acquaintance with the membership, I will say that in 1908, when we did take an accurate census, we found 71 per cent of the membership as being native-born, and a large proportion of the remainder having been naturalized, and that practically the same proportions exist at the present date. There has never been a time in the history of the party when the English-speaking branches did not have a majority, and usually a very large majority, of the membership, and in the English-speaking branches practically all the members are American-born, and certainly 99 per cent of them are citizens, and as I stated yesterday, even among the foreign branches, the language federations, in a number of them like in the Finnish, Bohemian and German, 60 per cent and more of those language branches are naturalized citizens, so it is safe to say that never at any time in the history of the party has the number of non-citizens been even as much as 10 per cent of the total membership.

By the Chairman:

Q. You haven't any knowledge of the situation in New York City? A. Not in New York City personally, except my general knowledge of the organization and the membership.

By Assemblyman Cuvillier:

Q. May I ask you one question? In the Socialist party could you enumerate the States where there are organizations, that is, the States in the South, the Northwest or the Northeast? A. You mean the comparative strength in the party in the various sections?

Q. Yes. A. Yes, sir.

Mr. Stedman.— You may give the foreign-born and American.

Assemblyman Cuvillier.— No, I am asking about the strength.

The Witness.— The Socialist party has an organization in every State and Territory, Alaska, Porto Rico and Hawaii.

Q. No, but you did not get my question. A. I say we have an organization,— we have members in every State and every Territory and every union. Our membership generally is largely in the industrially developed States. In the South it is comparatively small.

Q. In the Southern States you have no organization at all? A. No, there is not a single State in which we have not members.

Q. I mean an organization? A. An organization. We do not now have a recognized organization in North Dakota, or in Florida. That, however, is not due to lack of members in those States, but to recent party controversies. We have an organization in South Carolina, in Virginia, in Georgia, in Louisiana, in Arkansas, in Tennessee and members, I will say, everywhere.

Q. But you say it is confined mostly to the industrial States, that is, of manufacture, and not agriculture, is that right? A. Well, largely so, but not entirely. I think I told yesterday of the fact that Oklahoma preponderates any agricultural State, has been and is our strongest State both in proportion of the membership and in the vote cast in proportion of population; and it is distinctly an agricultural State.

Q. But you said something yesterday about Oklahoma, that you tried to establish a paper or organization, but due to violence you could not do it? A. No, you misunderstood me.

Q. If I did, will you correct me, please? A. I said the locals had not met on account of violence and terrorization.

Q. What do you mean by that? A. I mean for the last several years the hysteria, due to the war, has been so great that in agricultural districts where our locals only number six, eight, ten or twelve in a community, it was impossible for them to get together and hold a meeting under penalty of being mobbed by so-called patriotic citizens and organizations. In Oklahoma the condition was so bad that a United States Senator, a Democratic Senator, speaking a year after the armistice was signed was egged from the platform in one of the largest cities in the State.

By Mr. Stedman:

Q. Was that Senator Owen? A. That was Senator Reed of Missouri.

Q. Because he opposed — A. The League of Nations. He was egged from the platform in one of the largest cities in the State.

Q. What did the Governor say about it? A. The Governor is reported to have said that it served him right.

By Assemblyman Cuvillier:

Q. What I am getting at is this. The reason why you could not organize the Socialist party in Oklahoma was because of the intense patriotism of the Oklahomanians to the American Republic? A. Not at all. To begin with the Socialist party was organized in Oklahoma, and very strongly organized.

By Mr. Stedman:

Q. Proceed to answer in reference to other states. We are speaking of the membership in industrial states. A. Why, it is not confined to industrial states, but in the agricultural states where the movement is strong,—you have the agricultural states of the South and Southwest like Oklahoma and Washington and California. The organization is not strong and never has been strong in the Southern States, cotton-growing states of the whole South, on account of their patriotism, not on account of their superior Americanism, but owing to the fact that the illiteracy is so great in these states that the party has had difficulty in reaching the working classes. The Socialist party reaches and seeks members and adherence amongst the better educated and generally more intelligent members of the working classes.

We do not reach and secure the support of what we call the "Slum Proletariat," the down-and-outs in the city; the beggars, the vicious criminal red-light elements are not supporters of the Socialist party, they are adjuncts of the other party machines. The Socialist party gets its adherence from the better educated, more intelligent members of the working class that are found also in rural districts.

In the agricultural State of Oklahoma, when I was secretary there, a careful census of our membership disclosed the fact in proportion to the number of tenant farmers in the State, and the number of home-owning farmers in the State, we had a larger percentage of our home-owning farmers in our membership than

tenant farmers. That is due to the fact that the home-owning farmer was a little better educated. He had more time and literature. He had books and papers, and opportunity to read and study. The tenant farmers in the South are generally illiterate; they have no opportunity of reading and being educated, and therefore it made it impossible for us to reach him with our propaganda. That is why the organization is comparatively weak in the Southern States.

Q. Mr. Branstetter, are you a laboring man or a professional man? A. I am a laboring man.

Q. What line? A. A paperhanger. I carry a card of brotherhood in the Paperhangers and Decorators' Union.

Assemblyman Cuvillier.— You do not think education requires a man to be patriotic; don't you think it is born in him? A. Well, in one sense I will agree with you that patriotism is the true love of one's fellow citizens, and of his country. Perhaps it is instinctive.

Q. Will you proceed with your elucidation of your votes of the different localities of the United States? A. Well, yesterday, I think I stated —

Q. West of the Mississippi. A. Oklahoma with two and four-tenths per cent. population, we cast 16 per cent. of the total. In New York State with 30 per cent. foreign population, we cast 3 per cent. of the total vote — almost 4 per cent. Now, in the three states having the largest percentage of the foreign-born population, according to the 1910 census, that is, Rhode Island with 33 per cent, New York with 30 per cent foreign-born population, 10 rank at the head of the column, or near the head of the column, in either membership or vote in proportion to the population as compared with other states. In 1916 there were nine states in which the Socialist Party received more than 10 per cent of the total vote cast for President. Of these nine states, seven of them were west of the Mississippi river. In 1912 there were seven states casting more than 10 per cent of their total vote for the Socialist candidate for President, and of these seven states, all of them were west of the Mississippi river; and in 26 states that year casting more than 5 per cent of their total vote for the Presidential candidate, of the 26 states 20 of them were west of the Mississippi river.

The Chairman.— Could I ask a question?

Mr. Stedman.— Surely.

By the Chairman:

Q. Now, you enumerated those states, and you said yesterday, in the different states the party having the socialistic principles and platform appear on the ballot under different names. Now, could you give me the different names of the party that assumes to act in the different states? A. Yes, sir, because at the present time the party has been able to get on the ballot under our proper designation in every state. I think I mentioned yesterday in Wisconsin the party had appeared on the ballot as the Social Democratic Party, back about 1908 or 1910; for a number of years in Minnesota it was the public ownership party. I think with the changes in the laws and the dying out of other parties, and with the length of time our party is organized, that we are now able to get on the ballot, and to get on the ballot in every state under the name of the Socialist Party and no other.

By Mr. Stedman:

Q. Except Wisconsin? A. Except Wisconsin. I understand that on the next ballot it will be as the Socialist Party.

By the Chairman:

Q. You got on the ballot in Dakota under the name of the Farmers Alliance? A. We never did.

The Chairman.—I supposed you did. I did not know about that. Now, in those states where the vote is large in the rural districts, the Socialist Party, in order to get on the ballot in those states, assumed the name of party organizations of the party that was affiliated with the farming element, is not that so?

The Witness.—Never. The Socialist Party has never assumed any other name than the Socialist Party except where there was some legal necessity for it. It has never been a question of expediency.

Mr. Hillquit.—Will you permit me a question, Mr. Chairman?

The Chairman—Certainly.

By Mr. Hillquit:

Q. I suppose where the Socialist Party assumed different names, was it not uniformly due to the fact that there was a prior party known as the Socialist Labor Party, which was a

recognized party in such state, and that for that reason the same name or part of the same name could not be adopted by our party? A. That was the case in Minnesota and the Wisconsin case was quite analogous. In Wisconsin the Social Democrat Party had been in existence for a number of years before the organization of our present party, under the name of the Social Democrat party. It became a part of the Socialist party at the time of our organization. Now, they had already, on account of this organization there, to secure their place as a political party on the ballots of the State of Wisconsin to do that; if they had adopted the name of the Socialist party they would have lost their places in the State of Wisconsin.

The Chairman.— Did they appear on any ballot under the name of “The Farmers’ Alliance?”

The Witness.— Never to my knowledge. In Minnesota it was due to the fact that there was a Socialist Labor party there, who protested against the name of any new party being used. It was only in such instances, where the legal requirements made it impossible to use the name of the Socialist party. Never for deceiving the voters or getting support under false pretenses have we used it.

The Chairman.— Oh, no.

By Mr. Stedman:

Q. I would like to refer to the raising of funds for a moment. Have you any other method of raising money except through dues and the sale of literature? A. Voluntary contributions.

Q. Subscriptions? A. Yes.

Q. Are those public? A. Always.

Q. Have you at any time received any money from any foreign country or representatives of them? A. Never.

Q. Or any money for the purpose of advocating any particular cause or policy? A. Never.

Q. Referring to the literature of the Foreign Federation; did that meet the approval, or is it submitted to, the National Executive Committee? A. No, the literature of the Foreign Federation is not submitted.

Q. Has the party any control over it? A. As I stated yesterday, practically no, because there would be no use of their submitting literature to us. We could not read it. No attempt is made to pass upon their publications and correspondence.

Mr. Stedman.—If the little red book is handy, which started this procession, I would like to show it to the witness. I mean the first one, that was partially translated.

Mr. Wolff.—It was all translated, Mr. Stedman.

Mr. Stedman.—I mean the one that came in later.

Mr. Wolff.—The whole book is in the record.

By Mr. Stedman (handing red book to witness):

Q. Will you please read passages of that to yourself for a moment. Do you know what language that is in?

Remark by Mr. Hillquit.—He holds it upside down.

The Witness.—It appears to be Jewish.

By Mr. Stedman:

Q. You could read it just as easily whether it was upside down or not? A. Just the same.

Q. Has that book ever been offered for sale by the National Organization? A. It has not.

Q. Did you ever see it before this moment? A. Never.

Q. Do you know whether the National Committee or any representative of the party ever rendered any opinion with reference to it? A. No representative of the national organization ever passed upon it, either the executive committee or the national secretary or the national literature department.

By Mr. Block:

Q. The book which you had just handled, Mr. Branstetter, and to which you have referred, is a book apparently in the Jewish language and is marked Exhibit 17, introduced by the prosecution in this proceeding, is it not? Please look at it? A. It is.

Mr. Stedman.—May I see the other one which you have? Will you turn to the record, page 688?

Mr. Wolff.—Here it is, Mr. Stedman. You will recognize it by the title.

By Mr. Stedman:

Q. Referring to Exhibit No. 19, which I hand you, I wish you would please examine it. Did you ever see that publication before? A. I never saw it before.

Q. Or a facsimile of it? A. Never.

Q. Did the national organization ever issue, distribute or advertise it? A. It did not.

Q. Or was there any report made upon it by any member of the Executive Committee or any communication recommending it or apprising you of its contents? A. No communication or recommendation either by or to the Executive Committee, absolutely nothing about it at all has ever appeared before the Executive Committee or Executive Secretary.

Q. There was no approval of No. 17, was there? A. No approval of either one of them.

Q. Mr. Collins testified among other things, that the Socialist Party worked within trade unions to bring about illegitimate discontent; that they attended the meetings of organizations, and when a small number were present, they moved that on justifiable strikes — I assume he meant "To call on justifiable strikes" — that could not be won, that they be called. Do you know of any instances where the Socialists have gone into trade unions and suggested the calling of strikes that could or could not be won? A. Why, not as a party or organization. Individual members of the Socialist Party, or Socialist Party members who are working at the various trades, are generally, I am glad to say, members of their respective unions; and as members of those labor organizations they participate in the affairs of their unions, of course. The proposition that the Socialist Party has directed them, or desires them, or has paid them to do anything whatever in the union is absolutely false and absurd and silly.

Q. The Socialist Party has not paid agitators within the trade union movement? A. Certainly not.

Q. And did you ever hear of any Socialist who was a member of a trade union advocating a strike so that it could be lost? A. Never, and if he had, and it was known to the party, he would be expelled.

Q. Is the Industrial Workers of the World a part of, or affiliated with, the Socialist Party in any ways? A. No. The Industrial Workers of the World is an economic organization, a labor union. It has no connection with the Socialist Party.

Q. Either by fraternal delegates — A. No.

Q. Or in correspondence with the party? A. No.

Q. No resolutions adopted by either of the organizations sending fraternal greetings to each other, as a part of the same organization? A. None whatever.

By Assemblyman Cuvillier:

Q. But Haywood was a member of it, was he not? A. Of the I. W. W.?

Q. No, of the Socialist Party? A. Yes, at one time.

By Mr. Stedman:

Q. Is the I. W. W. bound by any of the manifestoes, laws, rules or regulations of the party? A. Not at all, no more than the American Federation of Labor.

Q. Or is it a party to anything done by the I. W. W.? A. Certainly not.

Q. I am asking you this, because Mr. Collins inferred there was. Referring now to various publications and publication organizations, publishing houses, what is the relation of the Socialist party to publishing houses and publications generally of a Socialist character? A. Well, it is a different relationship in different cases. There are different classes of so-called Socialist publications. There are papers like the "Appeal to Reason," the "National Rip Saw," the "Internationalist Socialist Review," similar publications in which the party neither national, state or local, directly or indirectly have any control whatsoever. They are privately owned, and privately managed, publishing concerns. Their owners may not even be members of the party. That has been the case with some of them in the past.

Then, there are papers like the New York Call, the Milwaukee Leader, Oklahoma Leader, and similar publications, where the national or the state organizations have no control direct or indirect, but where there is some measure of moral control or influence of the local organizations. What I mean, is that such papers as that are owned by stock companies or co-operatives, composed largely of party members and naturally in sympathy with the party so that the policy of the paper is in accord and along the lines of the Socialist propoganda and it supports our candidates and our policies. However, there is no control by the organization as an organization over that. Such an indirect control as is exercised by the local organizations comes through the fact that the members, the active members of the party, are the stockholders of the publication. Through that indirect means there is some measure of control, no official control.

Q. The same control that the Union League Club might have over a newspaper in which some of its members were stockholders? A. Exactly.

Assemblyman Cuvillier.— They are *Amici partae*, friends of the party. That is it,—friends of the party.

The Witness.— Then, there are publications issued by state organizations as state papers and several publications issued by the national office of the Socialist party,— the *American Socialist*, the *Party Builder* and the *Eye Opener* are such publications, published directly by the Socialist party itself. Those publications we are legally responsible for, and their contents.

By Mr. Stedman:

Q. Do you know J. Lewis Engdahl? A. Engdahl was editor of the *American Socialist* and later of the *Eye Opener*.

Q. Do you know whether, as editor of the *American Socialist* and *Eye Opener*, he was responsible to the national secretary in the sense of responsibility for articles published? A. Theoretically, and I suppose legally, he was in the sense that the paper was published by the party. Mr. Engdahl was the editor and being the editor of the party publication, he was subject to instructions and control from the National Executive Secretary and from the National Executive Committee. Practically, he was not subjected to such control for the simple reason that our executive committee is scattered in five or seven states, and the editor, naturally, has to use his own judgment. So while theoretically, and, I presume, legally, the executive committee was responsible, and he was responsible to them, that actually they did not and could not exercise any direct or personal supervision over the paper and Engdahl published those things which he conceived to be in the interest of the party organization and in accord with its principles.

Q. Will you state, if you know, the right of aliens to vote in the various States and their qualifications, the latitude allowed? A. Well, there are a number of States in which aliens are allowed to vote upon declaration of intention to become citizens. The *Chicago Daily News Almanac*, I think, lists eleven, in the *Almanac of 1919*, 11 States in which alien citizens are allowed to vote. Of these, five of them, Alabama, Kansas, Wisconsin and two other States, five States, they vote simply upon declaring their intention, and without any further limitation or qualification. In six other States they vote before getting second papers but with some qualifications. One State requires they must have made this declaration of intention 30 days before election. Some

States require six months before election, and several States require it having been made a year before election. Five without qualifications other than the declaration and six with qualifications. I think, perhaps, that list is not correct at the present time. State laws, no doubt, have been amended. In the State of Wisconsin I know that is the case.

Q. You are stating the report of 1920 — A. In the Almanac of 1919 it shows 11 States, and those 11 States included Wisconsin. Now, in Wisconsin that law has been repealed. In Wisconsin they had it where aliens voted simply upon declaration of intent. That law has been repealed, and the Socialist party of Wisconsin, Socialist members of the Legislature and the Milwaukee Leader, and otherwise the party generally, were in favor of and supported and advocated the amendment of that law.

Q. In other words, they stood for requiring a complete naturalization or full citizenship as a qualification for an elector? A. They did.

Q. Will you state the grounds, if you know, why the Socialists, the Leader, took the position which it did and the attitude upon that law?

Mr. Sutherland.— Mr. Chairman, that is a very liberal question to ask any man, why the Milwaukee Leader took a certain position. How can this witness say why a newspaper took a certain position?

Mr. Stedman.— If it stated its reasons, it could.

Mr. Sutherland.— Let's have the article.

The Chairman.— I guess we will allow it, on the ground we have been pretty liberal all the way through.

Q. Do you know what the position of the Socialists was and the reason? A. The position of the Socialists of Wisconsin favoring an amendment of that law was in accord with the general party position. The Socialist party desires that aliens become naturalized. We feel that the right of voting, the electoral qualifications, should exclude aliens. The party at its last convention last September inserted into our constitution a provision that those persons joining the party who were not citizens shall, within three months, take out their first papers, and this is the first time it has gone into the national constitution. But several of our State organizations have had it in their constitutions for some years. The State of Illinois requires that members joining the party

shall proceed to become citizens. The party constitution is a progressive, growing thing, and as events arise in the party and the questions forced to the front become an issue in the party, then we meet them and amend our constitution.

Q. Then the Socialists have emphasized the need and necessity of persons to become citizens? A. Yes, sir, it has been emphasized and at last we put it in our constitution.

By Assemblyman Cuvillier:

Q. Mr. Secretary, can you tell me if you have it at first hand knowledge, if any member of the Socialist party in the Legislature of any State of this Union, or any member of Congress, has introduced any bill to that effect? A. To what effect?

Q. That aliens should not vote on their first papers, but become thorough citizens, thoroughly naturalized before voting? A. No, I don't know that the Socialists, those limited number that we have had, have actually introduced such resolutions.

Q. Out in Wisconsin, where they have Socialist members or officials of the various cities that have elected them, did they ever advocate what you say the party has adopted? A. No, sir, and also they never introduced a bill allowing aliens to vote, and all those that were introduced were introduced and supported by Democratic and Republican legislators.

By Mr. Stedman:

Q. The reason for that is that foreigners that have been here but a short time usually voted the Democratic or Republican ticket? A. Yes, sir.

By Assemblyman Cuvillier:

Q. Did those ever elected to public office ever advocate what you say by resolution or bill in their respective Houses. A. No.

By Mr. Stedman:

Q. What do you mean by your last answer? A. The question, I think, was whether or not our representatives in State assembly, legislators, had introduced measures to repeal those laws granting the right to vote to aliens.

By Mr. Block:

Q. In how many of those States did the Socialists have representation in the legislatures? A. In Wisconsin. That is the only one I think I recall at the moment.

Q. Did you ever hear in any of the other States of any Democrat or Republican introducing a bill to repeal those laws? A. No, and in the States where they are, they were introduced and passed by Democratic and Republican legislators in the first place.

Mr. Stedman.— I wish, in this connection, to read from page 596 of exhibit 69, from the testimony of John L. Engdahl. That is the same John Lewis Engdahl to whom you have just referred?

The Witness.— Editor of the "American Socialist" and "Eye Opener," yes.

Mr. Stedman (reading): "I became editor of the 'American Socialist' when it was established and the Executive Committee selected me. My work there is independent of the Secretary, in the exercise of judgment, as to the kind and character of articles published. I am practically on an equal footing with the National Executive Committee, the National Executive Secretary.

By Mr. Stedman:

Q. When you were referring to the amendments submitted and carried, did you say three months or six months with reference to the time an alien should attempt to become naturalized, either by making his declaration or taking out his papers? A. My recollection is three months; I think I said three months.

Q. I think you did? A. That is my personal opinion.

Mr. Conboy.— The language of the constitution as amended is, "within three months if possible," isn't it?

The Witness.— I think that is the language.

Cross-examination by Mr. Sutherland:

Q. Is the "Eye Opener" an official Socialist paper? A. It is published by the national organization.

Q. How long has that been established? A. Since 1917, I think about September, 1917.

Q. When did you first take an office under the Socialist party? A. I don't know just what you mean.

Q. I mean when were you first officially related to the Socialist party? A. Well, I was county secretary of the county organization of the Socialist party in Cleveland county, Oklahoma, I think back about 1905 or '06. That was my first.

Q. Were you then working at your trade as a paper hanger?
A. I was.

Q. How old were you at that ime? A. At that time I was about 26.

Q. How long did you continue to work as a paperhanger and get your livelihood that way? A. Well, I became State Secretary of Oklahoma in 1908, and a very large part of the time since then I have been working for the organization.

Q. Have you actually worked at your trade since that time?
A. Yes, I worked at my trade the entire season of 1916, in Chicago, 1917 — by the season, I mean; our trade is a seasonal trade. The rush comes on in the spring and then dies out, and in the spring of 1916 and '17 I worked at my trade in Chicago and during the year 1915, I think, I worked at my trade in Columbia, South Carolina.

Q. At that time you were not occupying the position with the party which required all of your time? A. No.

Q. Were you connected with the Chicago office in the year 1919, all of it? A. The year 1919?

Q. Yes? A. No.

Q. Were you there in May, 1919? A. No.

Q. What were you doing then? A. In May, 1919, I think I was working for a co-operative organization.

Q. Where were you located? A. Chicago.

Q. Not a Socialist party organization? A. No.

Q. But a co-operative organization? A. Co-operative.

Q. Mercantile establishment, was it, store? A. A co-operative store.

Q. That took all of your time? A. While I was with them, yes.

Q. And how long did you continue that employment? A. Oh, about a month or six weeks.

Q. When did you connect yourself with the headquarters of the party at Chicago in the year 1919? A. In 1919 I assumed the position of executive secretary about the middle of October.

Q. But up to that time you had not spent your time at headquarters? A. No, not all my time, and not as an employee of the headquarters.

Q. Back of 1919 were you at the headquarters in Chicago? A. At some periods.

Q. For any extended period? A. Yes.

Q. What business did you have that kept you there? A. Well, in 1912 I was in the organization department of the national office as an employee. I had charge of the routing of speakers and arranging the campaign tours of our candidates for President and Vice-President for the party. Then in 1917 I was in charge of the circulation department of the "Eye Opener" and of the literature department from about late in August or September, 1917, until I think May of 1918. Then I was out of the office as a regular employee. During that period I did party work but I was not in the headquarters.

Q. Now, from the middle of October down to the present time you have stuck pretty closely to the headquarters office, have you? A. Pretty closely, yes, sir.

Q. You don't read the Yiddish language, do you? A. I do not.

Q. Do you assume to identify this pamphlet that was shown you printed in Hebrew, covered with red—you cannot identify that at all, can you? You would not be able to pick that book out of a pile of Yiddish pamphlets of the same size and color? A. No, the Yiddish pamphlets, I would not be able to distinguish that from others.

Q. Then why do you say that particular book that Mr. Stedman handed you had never been O. K.'d by the Executive Committee at Chicago? A. I say that because no book in Yiddish has ever been presented for the O. K. of or authorization by the Executive Committee.

Q. That is a general rule, then? A. Yes, sir.

Q. Now, you have a large department of propaganda in the Yiddish language, don't you? A. Only through the Federation; the Language Federation carries on their own propaganda.

Q. It could not be very well carried on without the active assistance and supervision of people that use and write and print the language, could it? A. Naturally not.

Q. You and I could not very well handle Yiddish propaganda, could we? A. No.

Q. Do you have a group of men that, by birth or education, are qualified to do that kind of work, and to them you delegate the authority to carry it on? A. No, not exactly in those words, Judge.

Q. What is the trouble with those words? A. The executive committee, the national office has not a group of men to whom we submit that work at all.

Q. You have a translator secretary chosen by it? A. They are not, no.

Q. They are paid by them? A. Yes, sir, but chosen by the federation, and those people of whom you speak, the active workers and organizers, the secretary and authors, and the publication of the pamphlets are all determined by the Language Federation itself, and not by the Socialist party.

Q. Now he is chosen by the members of the Jewish Federation, for instance? A. Yes, sir.

Q. And he is paid by the general organization of the party? A. We employ the translator secretary only.

Q. Now, when you, as a committee, decide to promulgate a resolution throughout the party you call in your translator secretaries, don't you, and have them translate the proclamation issued by your committee into their tongue and disseminate it through their membership? A. That is in effect the procedure. What we do is take the minutes of the executive committee that has passed a motion, or resolution, or of a convention and furnish copies to the translator secretaries, as we do to all other party motions and have the translator secretaries translate such of those documents,—always, of course, the official business, constitution and amendments and platform and such other of the official business, minutes and motions as they think of importance to the membership. They translate what they think necessary and submit it to their own membership in their language.

Q. Now, you had this translated and submitted to all foreigners that belonged to your organization, or foreign language organizations, didn't you: "We, therefore, call upon the workers of all countries to refuse support to their government in their wars." A. I assume that that was translated into various languages. I do not know that it was.

Q. (Reading) "The only struggle which would justify the workers in taking up arms is the great struggle of the working class of the world to free itself from economic exploitation and a political oppression, and we particularly warn the workers against the snare and delusion of so-called defensive warfare. As against the false doctrine of national patriotism, we uphold the ideal of international working class solidarity."

You had that translated, didn't you, into the various tongues and disseminated among them? A. Not in those words. I didn't have it translated but it unquestionably and undoubtedly was translated, being a party declaration.

Q. That was done through the system or revenue of propaganda that you have outlined? A. Yes, no doubt it was translated for every one of the federations.

Q. Now let me read you this from Mr. Hillquit's "Socialism Summed Up," and see if it is a correct statement of the size of your propaganda output.

(Reading) "The Socialist propaganda is the very life nerve of the movement. Upon its success or failure depends the destiny of Socialism. The educational and propagandist activities dominate all other forms of organized Socialist work and none but the close observers can appreciate the gigantic accomplishments of the movement in this field. In the Presidential campaign of 1916, the National Campaign Committee of the Socialist party printed and circulated about fifteen millions of pamphlets. The numerous state and local organizations of the party at the same time printed and distributed at least an equal number of pamphlets or leaflets and thus no less than thirty million pieces of Socialist literature were given to the people of this country to read and study within the two months preceding the election."

That is a fair statement of your activities and output? A. Substantially correct, yes.

By Mr. Sutherland:

Q. The system continued to function, did it not, right along?

A. Right along.

Q. After the campaign of 1916? A. Yes.

Q. And is still under operation? A. Yes, sir.

Q. Now, how many foreign language federations are in alliance with the Socialist party at the present time? A. Seven.

Q. And will you name them? A. They are the Finnish, Jewish, German, Italian, Bohemian, Slovak, French and Lithuanian.

By the Chairman:

Q. Polish? A. No Polish.

By Mr. Sutherland:

Q. What federation did the Russians enter? A. The Russians were members of the Russian Federation.

Q. Has that been a permanent federation running right along, or is it recent? A. Oh, no, there has been a Russian Federation for the last ten years — not ten years; about six or eight years there has been a Russian Federation; but it is not now connected with the party.

Q. When was that disconnected? A. In May or June, 1919.

Q. Did they withdraw or were they requested to withdraw?

Mr. Stedman.— Mutual consent.

The Witness.— They were suspended and then they withdrew. The separation was mutually satisfactory, I guess.

By Mr. Sutherland:

Q. Was not the suspension the act of the national organization or of some State organization? A. The suspension of the federation as a federation was the act of the national executive committee. The individual branches, or members, were also, along about the same time, suspended by local and State organizations.

Q. Now, the suspension of a branch has to be approved, does it not, by some referendum to the State organization? A. In some States, yes.

Q. Well, have you not some rule of the national organization that the national committee action is not final, in throwing out a branch — must not that be approved by the State body before it is final? A. The national executive committee never throws out a branch. It has no authority to throw out a branch.

Q. Well, I will not use that term — pardon me — I did not mean physically throwing out. A. No. I mean the national executive committee has no right to suspend or expel a branch.

Q. I understood from you, a moment ago, that the national committee did suspend or expel somebody? A. The national executive committee suspended the Russian federation and other federations as federations.

By Mr. Hillquit:

Q. As national federations? A. As national federations. It could not come into New York and pick out a Russian branch and expel it from the federation or the party. It cannot come into the State and expel a branch or member. It could only suspend, and did suspend, the entire organization.

By Mr. Sutherland:

Q. The national phase of the federation — A. Is the only one.

Q. — was put in suspense; but the local branches were still functioning and still recognized as legal until some State committee took action; is that so? A. No, it is not so. With the

suspension of the federation, then the federation branches, by that act, were suspended from the State organizations; and the State organizations so construed it and so acted.

Q. Did that automatically take place or was it necessary to have some State action before the local branches ceased to have their accredited place in the organization?

Mr. Stedman.— Judge, the branches —

Mr. Sutherland.— Let him answer.

The Witness.— The branches that were affiliated with the federation were all suspended by the federation as a federation.

Q. Now, I just want the fact: was any action of the State organization necessary in order to suspend the federation, root and branch — federation and local bodies thereof? A. Well, under the existing circumstances in some States it was perhaps necessary. The whole thing become involved in the party controversy, and in those State organizations where the actions of the executive committee were approved, why it was sufficient and they were suspended; and some State organizations, who refused to recognize the suspension or the justice of the suspension by those State organizations, refused to recognize it and considered them still affiliated. The whole thing was involved with other parts of the party controversy then raging and was settled finally by the separation of the party where the situation was either never appealed or confirmed.

Q. In those states where the state organization did not approve or affirm the action of the national committee in suspending the federation what happened to the local branches; did they lose their standing, or didn't they? A. In those state organizations who refused to recognize the act, then the local branches within those states did not lose their standing, but those states lost their standing in the national organization because of their refusal to recognize suspension.

Q. In those states where the state organizations did not follow the mandate of the executive committee, the state organization, and consequently its branches was and were suspended or expelled from the Socialist Party? A. Well, not by definite action of suspension or expulsion, because I say it became unnecessary. It never worked itself out to a logical conclusion. The suspension of the federation was never made or confirmed later or reinstated. In other words, the suspension, which was temporary until

action could be taken, was never completed. The final split in the party, the voluntary withdrawal of certain elements, made a continuation of the controversy in that way unnecessary.

Q. Do you know what action the State of New York organization took? A. The New York organization suspended a large number of branches, both language federations and others, I think.

Q. By some official act or resolution of the State organization? A. I think first by the local organization and by the Executive Committee—the State Executive Committee I think revoked charters of certain—

Q. Is there any way that we can find out the precise date of that action in the State of New York? A. I assume that you can from the county or state secretaries.

Mr. Hillquit.—We will furnish this information, Judge.

Mr. Sutherland.—Thank you. We will drop that for a moment.

Q. Tell me the names of your translator secretaries? A. Well, the Finnish translator secretary is Henry Askeli; the Italian translator secretary is John La Duca; the German translator secretary is Adolph Breyfus; the Jewish secretary John Mill.

By Mr. Conboy:

Q. How long has he been the Jewish translator secretary? A. Why, several years. The Bohemian—I do not recall the first name, the last name is Kolarik. The same is true of the Lithuanian, the last name is Matsus. The Slovak and the French translators I do not at this moment recall, the reason being that the French translator is not located in the national office. Our communication is by correspondence; and the Slovak translator has just recently come into the office, a new translator secretary; and I have difficulty in remembering those foreign names until I become thoroughly conversant with them.

Mr. Stedman.—Where is the Frenchman?

The Witness.—Down in Johnson City, Illinois.

By Mr. Sutherland:

Q. I want to ask you about this foreign work. First of all the percentage ought to be rather definitely fixed. As I understand you, the main office at Chicago is not the custodian of the cards of application for membership throughout the United States?

A. No. We neither do not receive the application cards nor we do not have a roster or index of the party membership.

Q. You have no compilation of figures at your central office showing the proportions of applicants for membership who are citizens of the United States at the time they apply? A. No, the application card does not come to the national office.

Q. For that information we would have to go to the local organization, would we not? A. Yes, you would have to go to the local organization.

Q. So you don't pretend to tell us from the vantage point of the keeper of the documents as to what proportion of your novitiates are foreign-born or American-born? A. Well, not entirely that, although as I say we have our official reports and census taken and publish the same in the records of the office. We do get these reports from time to time from the translator secretaries. We do know the nationality of certain groups and gatherings. For instance we know in our national convention where the delegates were all born and such things and I have for years in my work as organizer, as the field worker for the party, been in a position to know and have often inquired as a part of my work and because I was interested of local secretaries in all parts of the country. I really have some idea and knowledge.

Q. You have no official record in your office at Chicago showing the percentage of citizens and alien members in your dues-paying organizations, have you? A. Not at the present date. We have an official report showing what it was a number of years ago.

Q. Well, what is that report and where is it? A. That report is one that is contained, I think, a copy of it is printed, in the Socialist campaign book of 1912.

Q. Will you turn to the place where those figures are? A. No doubt the book is already in evidence, isn't it?

Q. No, there was one produced in 1914. A. That is the Socialist campaign book of 1912.

Q. Won't you turn to the point where you have official data on that subject? A. On page 37.

Q. Will you show it to me? A. Yes, sir. (Witness hands book to Mr. Sutherland).

Q. That speaks as of 1912?

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

(Whereupon, the Committee took a recess at 12:30 P. M. to two o'clock.)

(The Committee reconvened at 2:10 P. M.)

By Mr. Sutherland:

Q. You told us of what the census of 1910 stated as to the proportion of foreign-born and American-born inhabitants of Oklahoma. Hasn't there been a state census since 1910? A. Before I answer this question, Judge, I want to make a correction in my testimony this morning. I testified that in May I was working for a co-operative organization. I was not. That was a couple of months later. In May I was in the county office of the party office in Chicago.

Q. Where was Edwin Firth in May, 1918? A. Edwin Firth in May, 1918, was in the national office, literature department.

Q. What was his position there? A. He was in charge of the literature department.

Q. In May, 1918? A. Yes.

Q. How long had he been in charge? A. I think at that time perhaps three or four months.

Q. I see. From whom did he get his compensation? A. From the national organization.

Q. And who appointed him? A. The Executive Secretary.

Q. Mr. Germer? A. Mr. Germer.

Q. Did his appointment have to be O. K'd. by the Executive Committee of the party or anything of that kind? A. I think in his case, not.

Q. How long did Firth hold that position? A. Firth was there until the middle of the summer of last year; perhaps July or August.

Q. Is he still a Socialist? A. Not a member of the party.

Q. What did he go into? A. I do not think that he is a member of any of the radical parties now.

Q. But he was a member of the Socialist Party up to what date? A. Well, until the middle of last summer when the controversy arose.

Q. How about this question I asked you a moment ago; haven't you had a state census since 1910? A. They may have had.

By Mr. Sutherland:

Q. You are only speaking now, or have been only speaking, of what the national census of 1910 showed as to the proportion of foreign-born inhabitants in the State of Oklahoma? A. That is correct.

Q. Well, the population has multiplied greatly since then, has it not? A. Well, not greatly, no. There has been no unusual growth in population in Oklahoma.

Q. You are very much larger in population, are you not, than you were ten years ago? A. No, I think not; not beyond the natural, normal increase. The big influx, the extraordinary growth in population, in Oklahoma, was in the early days. The incoming population, increasing population, is not a great deal larger now than in other states.

Q. Are you not benefited by all this oil excitement? Are not a lot of people going there on that account? A. Oh, yes, oil prospectors and investors.

Q. Has your party increased numerically right along, in Oklahoma? A. Yes, the growth in Oklahoma has been a gradual and a steady, consistent growth from the origin of the party, in 1902, up until the outbreak of the war, since which time the organization has suffered somewhat.

Q. Now, let me ask you about that: you told us that the newspapers did not blame the party as a party for the rioting or disturbances growing out of the conscription law; but that individual Socialists were engaged in some demonstrations against the enforcement of that act; have I stated it correctly? A. I think not.

Q. What is the trouble with it? A. I do not think I said that individual Socialists were engaged in any of the demonstrations. I said that individual Socialists were accused — whether they were guilty or not, I don't know.

Q. But there was no accusation against the party? A. Not as a party, we have not been held responsible.

Q. But you did say that on account of the state of feeling there you were unable to hold your party meetings and conventions and locals? A. Yes, that is true.

Q. So there was a feeling against the party for some position which it was supposed the party took against the government, or against the prevailing opinion there in Oklahoma? A. Oh, yes, there was opposition.

Q. Now, was it not stated in the papers that the Socialist party was not in sympathy with America, but was opposing the successful prosecution of the war by the American government? A. Yes. The Oklahoma papers, like the New York and Illinois papers, have accused the Socialist party of being disloyal and

sedition and opposed to the government and that is the more remarkable, in view of this generally accepted position of the opposition press in Oklahoma as elsewhere, that they did not also accuse us of being directly responsible of having instigated that uprising.

Q. How long did that uprising last? A. It was a very short affair of no great importance.

Q. In a very few days it was suppressed and over? A. Yes.

Q. Now you don't mean to say that Oklahoma is representative of the United States in the proportion of foreign and American-born members of the party, do you? A. In proportion to the population in that state; naturally not in the state or in a city where a third of the entire population is foreign-born there is necessarily a larger proportion of the Socialists who are foreign-born and a larger proportion of Democrats and Republicans who are foreign-born.

Q. Now in this congressional manual of 1912 I observe a statement that seventy-one per cent of the members of the party were American-born? A. Yes.

Q. Do you think that has changed, or haven't you any means of making an accurate judgment on that point? A. I don't think it has materially changed.

Q. Very good. Now, we will let it rest at that.

Q. Wasn't the Socialist membership affected very seriously by the attitude of the party on the war? A. I assume you mean was it decreased?

Q. Decreased seriously? A. No, sir, it was not.

Q. Wasn't it decreased seriously because of the attitude the party took in relation to anti-sabotage? A. No, it was not seriously decreased.

Q. Was the anti-sabotage clause, which was put into the party constitution, a popular thing? A. It was popular enough to receive a majority of the votes in the national convention, and a majority of the votes on referendum to the membership.

Q. Do you recall the fact that it was eliminated at the same convention that passed the anti-war resolutions? A. I do.

Q. In April, 1917? A. I do.

Q. Now, didn't that have an effect, and a serious effect, upon your membership? A. You mean the repeal?

Q. The repeal of the anti-sabotage law, and the passage of the anti-war resolutions in April, 1917? A. I will have to answer them separately. I think the adoption of the war proclamation

and the war program at St. Louis did not materially reduce the membership of the Socialist party. The withdrawals from the party on account of that declaration were comparatively small. There was publicity in the newspapers on account of the withdrawal of more or less prominent comrades, which the public might have taken as wholesale withdrawals, but there was no such thing. I do not know of any branch that withdrew in a body. The withdrawals were entirely individual, and not of sufficient number to materially affect the membership of the party. In the spring of 1919 the average membership of the party, as shown by the sale of due-stamps, was 118,000, I believe.

Q. When was that? A. The spring of last year.

Q. Spring of 1919? A. Yes, which was larger than it was at the time of the St. Louis convention, and with the exception of once, I think back about 1912, the high water mark in the membership in the party.

Q. What was it then? A. I think it went as high as 128,000 at one time.

Q. Since then how low has it dropped down? A. Well, it dropped down as low as, last September, 1919, something over 24,000.

Q. Down to what figure? A. Down to 24,000 in September, 1919.

Q. Dues-paying membership was reduced to 24,000? A. Twenty-four thousand. That was not a gradual loss or reduction since the St. Louis declaration; as I say it was in the spring of the same year.

Q. What is it now? A. Now, it is something over 40,000.

Q. How much of that reduction is due to the suspension of branch organizations or locals? A. The number of organizations suspended, that is, the number of members included in the suspended organizations, was approximately 35,000, including all suspensions. The loss of the membership is not due entirely to that account. The disorganization resulting in the party from the controversy caused locals to lapse and members to become in arrears for their dues. The membership now is not held down in numbers on account of the split in controversy, but on account of the inability to carry on our original organization and propaganda work in many of the states, as I stated, in Oklahoma.

Q. Didn't the activity of the syndicalists on the side of the Socialist Party cause the withdrawal of large numbers of your

members? A. The withdrawal, suspension and expulsion combined, of approximately 35,000 members, I think is about all.

Q. Do you say that the Socialist Party has no more foreign-born element in it, in proportion to its entire membership, than the other parties? A. I do not think it has, no.

Q. Let me read you this statement by Mr. Allen L. Benson, who was the candidate of the Socialist Party for President in the campaign of 1916. He was also Presidential candidate before that time, was he not? A. No.

Q. Only once? A. Only once.

Q. He said, in an article in "Public Opinion," written in 1918: "The Socialist Party differs in this" — that is, from the other parties — "that it has among its leaders an undue percentage of the foreign-born." Do you think he is mistaken about that?

A. I think he is, yes, sir; not an undue percentage.

Q. Did not Mr. Benson resign because of the activities, of the leadership, of men in the Socialist Party who were proclaiming it was a false doctrine that a workingman can have no country?

A. Well, he withdrew from the party.

Q. Did he not give that as his reason for withdrawing? A. That may have been his personal opinion.

Q. May I ask you to listen to this clause from the same article by Mr. Benson (reading):

"A few men in the party, who should have known better, have accepted and proclaimed the false doctrine that a workingman can have no country, and, therefore, that it is immaterial to him whether the country in which he lives, if it be at war, shall be defeated or not. Such men seem quite unconscious of the fact that this is the doctrine of Proudhon and Bakunin, the anarchists, rather than that of Marx, the Socialist."

Q. Would you say that was so? A. No, it is not so. Mr. Benson does not state or name any prominent or influential party officials who have made any such statement and to my knowledge none of them ever did make such a statement.

Q. Let me continue reading (reading):

"Marx believed that workingmen everywhere had a very real interest in the success of the North in our Civil War, and upon at least one occasion wrote to Lincoln congratulating him upon what he was doing to bring such a victory

about. The present foreign-born leaders of the American Socialist party, if they had lived during the Civil War, would doubtless have censured Marx rfo congratulating Lincoln.

“For these reasons I now take leave of the Socialist party a year after I ceased to agree with it. It seemed to me that, having been at the head of the National ticket two years ago, it was particularly my duty to wait and see if the party would not right itself. It has not righted itself. I, therefore, resign as a protest against the foreign-born leadership that blindly believes a non-American policy can be made to appeal to many Americans.”

Q. What have you to say of that statement by Mr. Benson? A. That statement is by a man who is not a member of the party and was made at the time of his withdrawal from the party and was made by a man who was not in sympathy and agreement with the party. As such he was not qualified to place an interpretation upon the opinions and beliefs of the men with whom he disagreed and he does not state in speech or declaration or any authority the names of individuals who held those beliefs. As a matter of fact the leaders of the Socialist Party do not hold these beliefs. As a matter of fact, they are in strict accordance with Marx in his opposition to the anarchists and the old International. Our position as a Socialist Party has always been opposed to the anarchists and syndicalists, in favor of political action. The whole record of the party and organization, platforms and constitutions bears out that statement and our attitude towards the anarchists has not changed.

By Mr. Sutherland:

Q. One who did not belong to your party, however, might be excused for paying some attention to the word of Mr. Benson, who was your candidate for President in 1916, when he states the reasons why he gets out of your party. You would not say Mr. Benson is not worthy of belief, would you? A. No, there might be excuse for paying some attention to what he says; but if they were serious and actually after the facts, they might have asked him to specify — somebody at some time — something upon which he based those assertions.

Q. Do you question Mr. Benson's veracity? A. I do not question his honesty of intention. I do question his understanding of the position of the Socialist party leadership.

Q. Do you not think he was in such a relation to the party that his information would be rather larger than the information of the ordinary member of the party on those subjects? A. Not larger than the information of literally hundreds of other party members, and not as large as the information of quite a large number.

Q. Very good. Now, we will drop that and pass to something else. You, as a party, encourage the trade unions? A. To the best of our ability, yes.

Q. Now, note the language. I say "trade unions"? A. I note the language "trade unions."

Q. Are you in favor of Mr. Debs for President of the United States? A. You mean individually, personally?

Q. Yes? A. I am.

Q. You regard him as a man pretty well informed as to the attitude of the Socialist Party on various subjects, do you not? A. Very well, yes.

Q. He is not as uninformed as the average man who does not belong to the Socialist Party, is he? A. No, indeed.

Q. Now, let me read what he said about trade unions and see if you agree with this: "The trade union is outgrown and its survival is an unmitigated evil to the working class. Craft unionism is not only impotent, but a crime against the workers." That is from "The Crime of Craft Unionism," published in the International Socialist Review of February, 1911. Now, what do you say to Mr. Debs' view on trade unionism as thus expressed? A. Comrade Debs has always been an advocate of industrial unionism as distinguished from craft unionism. He has always been in strict agreement with the organization to the extent of his utterances and opinions on that subject; but on the whole, there is nothing in Mr. Debs' statement that is contrary to the position of the Socialist Party, and nothing in that statement which contradicts what I have said, that the party has supported and does support trade unions. Our attitude is this: We believe that the industrial form of organization is a superior and a better form of economic organization for working men at this time. The old trade or craft union grew out of the industrial conditions of their day, and with the changing industrial conditions, why,

a changing form of labor organization is necessary and essential, and that form should be — and the best form so far evolved, and developed,— is the industrial form. That is Mr. Debs' position and that is the Socialist Party position. It does not mean that the Socialist Party has attempted to enforce or to impose its opinions upon the craft organizations.

Q. Well, it is a pretty clear line of demarcation between the craft union, as represented in the typical American Federation organization, and the industrial union advocated by the Socialist Party; it is pretty clear, is it not? A. Between the two forms of organization, but our advocacy of the industrial system does not mean that we have no sympathy with the craft unions in their efforts to improve their condition; and our whole history shows that we have. We give them publicity in our papers and strike funds, and all those things, to the craft unions, always, in their struggles.

Q. Well, why did Mr. Debs say that the survival of the trade union is an unmitigated evil to the working class? A. Because he believes as long as the organization continues on the craft lines, they hinder the development along industrial lines, and to that extent weaken the economic organization and prevent the work of the organization.

Q. Do you agree with Kautsky when he says: "The worst enemies of the working class are the pretended friends"—

Mr. Hillquit.— When did he say that?

Mr. Sutherland.— In "Class Struggle."

By Mr. Sutherland:

Q. Do you agree with this, in your national platform, adopted in 1919: "The industrial organization must take the place of the craft union"? A. I do.

Q. Haven't you said repeatedly in your proclamations and platforms that the leadership of the trades unions in America is outgrown and antiquated? A. We have made that assertion, words to that effect quite often, yes.

Q. Your propaganda efforts, as stated by Mr. Hillquit, are really the groundwork of your movement, aren't they, and it is through the propaganda that you gain your membership and propagate faith? A. Naturally.

Q. And you know that among the young in the Young People's Socialist League, into which you welcome children from families,

the parents of which are not Socialists, that there is the great source of strength for the future, isn't it, for your organization?

A. Essentially, yes.

Q. You regard that as the richest field from which you can expect to gain recruits for your cause? A. Now, I don't know that I understand you. Do you mean that we regard the coming generation of young men and women as the richest field, or the Young People's League.

Q. The Young Peoples' League and the propaganda among the young, the children, the youth of the land? A. As far as the field for propaganda and our future strength is concerned, naturally the younger generation is our most fertile field. If you mean that we consider the Young Peoples' Socialist League as the best means for cultivating that field, as the best means and our principal means of reaching those young people, why no.

Q. How many people attend your national conventions generally? A. Well, the numbers vary at different times as our constitution was changed. At the present time and also last year, the constitutional provision was for a convention of two hundred delegates.

Q. That is about the size; the full size of your convention? A. Yes, about two hundred delegates.

Q. You spoke about having no resignation blanks at your headquarters; you haven't had any clause in your national constitution requiring candidates for office to file written resignations in advance of their election? A. No.

Q. For some time? A. No.

Q. Was that ever in the national constitution? A. I do not think it was ever in; I have no recollection of it.

Q. You naturally would not be printing those resignations and keeping them in stock at your national headquarters, would you; that would be a state matter? A. No, we keep in stock at headquarters all literature and supplies which the party ordinarily uses and for which there is a demand. The national office, for example, does not issue charters to branches within the state, but we keep a supply of charters on hand, which we sell to the state organizations. We do keep on hand a state application blank which we sell to the state organizations. The national office did not keep resignations, but we did keep and offer to sell to them that did use them.

Q. Well, do you print all the application cards for membership that are used in the United States? A. Not all of them, no.

After an organization becomes of sufficient strength and size and using those supplies in large quantities it is often cheaper to print them themselves.

Q. You don't do the printing of the New York organization, do you? A. No, not of their ordinary supplies, we don't.

Q. You say that resignation practice, telling the candidates to resign from their position before they are elected or appointed, has not been enforced so far as you know in the last few years by any state or local organization? A. I don't say it has not been enforced at all in any case. I say it has not been generally enforced and I know it has not been generally enforced in a majority of the States in recent years.

Q. Well, did you hear about the case of Mayor Lunn of Schenectady? A. Yes, I have heard of that case.

Q. Your organizations and your party recognizes, of course, recognize and recognizes the doctrine that a man in a public office would respond to the wishes of the dues-paying members. That is one of your cardinal principles, isn't it? A. That is, yes.

Q. Yes. Now, I am going to read to you the provision of the State Constitution regarding the filing of a written resignation. This is from article 8 at page 1076 of this printed record under "Miscellaneous Regulations." (Reading):

"Section 1. All candidates for public office or appointees for public office selected by the dues-paying membership of the Socialist Party of the State of New York or any of its subdivisions shall sign the following resignation blank before nomination is made official, or appointment is made final.

"Form of resignation. Section 2. Recognizing the Socialist Party as a purely democratic organization in which the source and seat of all powers lie in the dues-paying membership, as an elected (or appointed) official of the party it shall be my duty to ascertain and abide by the wish of the majority of the dues-paying members of my local or political subdivision."

Q. Now, that part that I have already read is, of course, still a recognized principle of the Socialist Party, is it not? A. It is.

Q. Yes. Now comes the clause with regard to the written resignation. (Reading):

"To the end that my official acts may at all times be under the direction and control of the party membership, I hereby

sign and place in the hands of local, to which I may be elected (or appointed), such resignation to become effective whenever a majority of the local shall so vote.

“I sign this resignation voluntarily as a condition on receiving said nomination (or appointment) and pledge my honor as a man, a Socialist, to abide by it.”

Q. Now the next section is: “The state executive committee shall supply each local with the necessary resignation forms.” Now are you assuming the right to say that of your own personal knowledge the state of New York organization did not supply its locals with those resignation blanks? Of your own knowledge now; don’t indulge in any information. A. Well, what do you mean by my own knowledge.

Q. Why from personal observation of the actual operation of your machinery here in New York? A. If the state secretary tells me that he does not furnish those application —

Q. I had much rather have him take the stand. Where is his office, in Albany or New York?

Mr. Hillquit.— It is in Albany and he will be here.

Mr. Sutherland.— Well, let’s have him as a source of information. I think that is all I want to ask you on that subject.

Q. A referendum vote and plank of your platform or constitution adopted by referendum cannot be annulled without a referendum, can it? A. No.

Q. The executive committee of your organization has no power to annul a resolution passed at a national convention, referred to your membership, and adopted by a majority of referendum vote, has it? A. The executive committee has no power to repeal or amend such a resolution, but —

Mr. Sutherland.— Very good. That is all.

Mr. Hillquit.— Let him finish.

Mr. Sutherland.— If the constitution does not say this —

Mr. Hillquit.— Judge, one moment, please.

Mr. Sutherland.— that the referendum once adopted —

Mr. Hillquit.— Can’t you stop, Judge? There is an objection.

Mr. Sutherland.— I am asking another question.

Mr. Hillquit.— I am making an objection and should have the opportunity —

The Chairman.— Just a moment. Go on, Mr. Hillquit.

Mr. Hillquit.— My objection is, the witness has been cut off in the middle of his answer, and has the right to give his full answer.

Mr. Sutherland.— He has answered the question.

Mr. Hillquit.— He has to your satisfaction; not to his own.

The Chairman.— Let us have the stenographer read back the question and the answer, and we will see.

(The reporter read the last question and answer.)

The Chairman.— You may make a note of it and ask about it on redirect. Now, go on.

Q. Doesn't your national constitution provide that the national step for amending or annulling a resolution adopted by referendum, shall not be taken for at least six months after the adoption of the resolution by a referendum? A. That is in the constitution; it has not always been a part of the constitution.

Mr. Conboy.— What is the last part of your answer?

The Witness.— It has not always been a part of the constitution.

Q. You said, did you not, that your constitutions are progressive, that they are growing, that they respond to the ideas of the party and are kept up to date. Do you want to stick to that, do you, Mr. Branstetter? A. Oh, yes, that is generally true.

Q. I want to ask you about your strike relief fund. How are those funds raised? A. Raised by voluntary contributions.

Q. From the membership at large? A. From the membership at large, and from local organizations, as organizations.

Q. Did you keep a fund on hand all the time, or are appeals made as the occasion arises? A. Appeals are made as occasion arises.

By Mr. Sutherland:

Q. You have, then, no permanent strike fund? A. No permanent strike fund.

Q. Have you ever, since you have been connected with the party, known of the party disapproving of any strike anywhere?

A. Well — yes.

Q. Tell us where that was? A. I do not know of any occasion on which the national organization — the executive committee — has disapproved of a strike.

Q. That is what I am speaking about. A. No. Only the larger strikes come to the attention officially of the national organization.

Q. You never have refused relief in strikes, or a request for relief, where it was communicated to your national organization? A. As far as my recollection goes, I do not think that the national organization has ever refused such assistance as was within its power to any group of workingmen on strike anywhere, at any time.

Q. You used the expression, did you not, the “scum proletariat”? A. No, I said the “slum proletariat.”

Q. Very good. If that is a politer word, I will adopt it.

Mr. Hillquit.— It is an accepted term.

Mr. Block.— A scientific term.

By Mr. Sutherland:

Q. And that has a particular usage in Socialistic circles, has it, Mr. Secretary? A. Yes.

Q. Will you please tell us what it means? A. Well, the slum proletariat is the proletariat resident in the slums of the industrial sections. There is an element of that slum proletariat — the lowest element, the vicious element, the criminal element, the pauper element — all of those elements form the lowest strata of society and are included in the slum proletariat; and my statement, I think, was that we did not reach, and never hoped to reach, those people. They are naturally sustainers and defenders and upholders of the existing order, because they are dependent upon it, because such income as they have, such livelihood as they have, depend upon the present system. They get it through charity, through vice, through crime; and, as such, are adherents of the system and supporters of the existing regime. Quite often — quite frequently — they even exist and carry on their means of gaining their livelihood by vice, or crime, or beggary, with the connivance, if not with the consent, of the police officials and

politicians of the existing order; so that they are always aligned against the Socialist party. We have never had their support and do not expect it. I think that is the substance of what I was trying to convey this morning.

Q. You do not include them among the working classes, then?

A. No, because that element of which I am speaking, while belonging to the working class, do not work as a general rule.

Q. Will you tell me, Mr. Secretary, whether you exclude, in your consideration of working classes, those men who work with their brains, with their power to manage, with their power to assume responsibility? Do you call that man a workingman?

A. It depends upon the character — the manner — in which he does this mental work. If he does this mental work for wages or for a salary — if he is an employee — why we consider him a member of the working class.

By the Chairman:

Q. How about the superintendent of a mill? A. If the superintendent of a mill is a salaried employee, he would be considered a member of the working class generally by the Socialists.

By Mr. Sutherland:

Q. Now, let me ask you this: Does the question whether a man belongs to the working class or to the capitalist class depend upon his state of mind or attitude of mind in any way? A. No.

Q. All right. Does it depend upon the amount of the worldly possessions that he has accumulated, in any sense? A. Not necessarily, no.

Q. Does it depend upon the question whether, in the course of his business, he employed other people and pays them wages?

A. Yes.

Q. Now, does the amount of wages which he pays determine, in any way whatever, whether he belongs to the employing class, the capitalist class or the working class? A. The amount of wages which he pays?

Q. Yes. A. You mean whether they are high or low wages?

Q. Yes. A. No.

Q. That does not enter into the problem? A. No.

Q. Now, I want to speak of a gentleman who passed away last week, because it simply comes to my mind. Fifty years ago he entered the largest store in the town where I lived as a check-boy. He died last week, the head of the concern. His progress was steady from the lowest position right straight through. He had

neither friends nor capital nor anything else to begin with. Now, assume such a career. At the end he was employing thousands of people, at the head of a large mercantile establishment. Where did that man leave the working class and enter the capitalist class? A. When he became an employer of labor and began to draw the principal amount of his income from the labor of others and not from his own individual efforts.

Q. Now, at that time, there came to be between him and those with whom he had worked up to that time a state of enmity, of warfare, in your conception? A. Maybe not a personal consciousness on their part, but there did certainly arise a condition where their economic interests were in conflict. The interests were opposed to each other, whether conscious of the fact or not.

Q. Now, when he came to that point in his career, he suddenly became arrayed on one side, on the capitalist side of this eternal war, this irresistible conflict? A. No, I wouldn't say, as a result of his changed economic position he had become arrayed on the other side, because he might have been all the time; in fact, it is quite likely from your description of him, I think, he might have been all the time arrayed against the capitalist class. That doesn't mean that his own business interests lay on that side so his changing didn't array him. I have no doubt but that all his life he had been arrayed against the capitalist class.

The Chairman.— Now, I would like to ask a question right in this connection. Now, today he would be the superintendent of a store drawing a salary and belonging to the laboring class. That is your idea? A. If his particular source of income came from wage as superintendent, yes, he would belong to the working class.

The Chairman.— And tomorrow he succeeded in taking over the store and became the proprietor, then he became antagonistic?

The Witness.— His economic interest. He perhaps had not changed in his personal attitude at all.

The Chairman.— You class him as an enemy today?

The Witness.— Not conscious. His economic interests were different.

By Mr. Sutherland:

Q. But there was a war on between him and his former comrades in the same establishment? A. Economically, yes.

Q. And that you have declared, haven't you, is the only war in which the working men of America should be interested? A. Well, not the war in this particular department store —

Q. Oh, no. A. Between the owner —

The Chairman.— That is just an illustration.

The Witness.— Yes, between the working class and capitalist class, as a class, in the changing of the social system in that class, yes.

Assemblyman Harrington.— Now, Mr. Branstetter, I understand that your trade or profession is that of paper hanger?

The Witness.— Yes.

Assemblyman Harrington.— I assume by your own merit and education and by applying yourself you have reached the state of life where you are capable of serving as national secretary of the Socialist party?

The Witness.— Yes.

Assemblyman Harrington.— Well, now, to carry out the idea of Judge Sutherland and Chairman Martin, how can you say that this man to whom Judge Sutherland has referred has always been arrayed on the side of the capitalist class when you yourself came right up, step by step, to obtain the position you now hold? In other words, you know that every paperhanger may be all right to hang paper, but isn't competent to be executive secretary of the Socialist party, is he?

The Witness.— Perhaps not.

Assemblyman Harrington.— Well, is it so, or isn't it so?

The Witness.— Of course, a lot of them are not.

Assemblyman Harrington.— Where is there any difference between your own case in your own life, and that of the life which Judge Sutherland cites?

The Witness: The difference is this, that I have chosen and have become conscious of the class struggle and chosen to definitely array myself on the side of the working class in this class struggle. The gentleman of whom the Judge spoke,— I don't know him, but I judge from generalities and from the type generally, I don't imagine that the gentleman of whom the Judge

spoke, is even conscious of the fact that there is a class struggle, and perhaps would deny it if the subject were presented to him.

By Assemblyman Harrington:

Q. I want to know when a man ceases to be a laboring man, and when he becomes a capitalist, under your term. The point I do not understand is this: is it the same to view society in two aspects? Here is the capitalist class on the right hand and the laboring class on the left hand. You seem to tell these laborers you are always going to be a laboring man and that you can never pass up here to that class. A. No.

Q. It seems to me every man in this country has a chance of becoming wealthy if he wishes, competent to support his family, send his children to college, and so forth. It seems to me your doctrine keeps your man down there, and tells him he will be always a laboring man. A. No. We do not deny one might pass from one class to the other just as the workingman may become a capitalist, and many of them have. So capitalists may become a pauper in the change of the stock market. The fact that these individuals in the different classes may change from one class to the other is not always the fact that there are classes. The fact that an ordinary person — in some European monarchies persons might be promoted to the peerage — it is not always a fact that they have the noble class. The fact that the commoner may be nobler than all those in that class. So that the possibility or actuality that large numbers of workingmen have gone into the capitalist class does not alter the existence of these classes.

Now, what we say to the workingmen is not that any individual workingman may never become a capitalist. We say to the working class that the great majority of them never can become capitalists, and it is not desirable that you should. If I could become a capitalist, — if any other member of the Socialist party, who really understands Socialism, and is a Socialist, could become a capitalist, that would not remove his objection to the capitalist system. The system is such that the overwhelming majority of the working class never can become capitalists, because one capitalist necessarily implies a large number of workingmen who are exploited, and it is the system we are opposed to, and not the individual who may become a capitalist.

The fact that he was formerly a workingman does not remove the objection to the exploitation of the other workers. It is no more tolerable, satisfactory or just that the worker should be exploited

by a former workingman, than it is that he should be exploited by a feudal noble, — a man who was born in the capitalist class. That does not alter the merits of our position, nor the facts of the class struggle.

Now, your question as to what point he ceases to be a member of the working class and be a member of the capitalist class I tried to answer Judge Sutherland's question, that so long as he draws his principal income, his livelihood from the sale of his labor, **either** manual or mental, whether he be engaged in physical or mental labor as a workingman, or superintendent or overseer or foreman, — as long as he draws the principal income from the sale of his labor power, then he belongs to the working class; and when he begins to draw his income from investments, from the ownership of property which other people have to use, the ownership of the means of production, why, then he is a member of the capitalist class, even though he may continue personally to superintend or direct his factory or his mill, although he continued doing useful and necessary work in the conduct of his industry.

By The Chairman:

Q. I want to ask you where the line of demarcation, the line of class hatred enters. Assuming that you buy a factory in Chicago and gave up your position, you hire 25 paperhangers and spread them out over Chicago, commence operations, taking various contracts, sending those men to work, and you make a reasonable amount of money off their work, which is quite common in all trades, you then would cease to be a laborer, and would become, according to your idea, a capitalist; that is true, isn't it? A. Well, technically, yes sir.

Q. Well, that would not destroy your sympathy for the laboring man, would it? A. No, it would not in my case.

The Chairman.— Now, proceed.

By Mr. Sutherland:

Q. When is a man an exploiter of labor, and when is he such an employer as you would be under the question of the Chairman of the Committee? A. He would be an exploiter in both cases. If I have men in my employ, and I still remain a Socialist, I recognize the justice of their complaints; I recognize the fact that they belong to an exploited class. That does not alter the fact that as long as I am making a profit from their employment, I am exploit-

ing them. I would be an exploiter regardless of my personal feeling for them, or recognition of the fact.

Q. Now, the fact that you had, by frugal economy, temperance and good health been able to save up money enough to get the materials together to start a little shop of your own, and kept that money until you could take on two or three men to assist you, now, in your opinion you would not be entitled to a reward, if what you had saved up in the way of what I call capital, and putting that in an investment, taking the risk of it all and managing the job and business, putting your brains and hand into it, do you claim that it is wrong for you to receive out of that business any more compensation than a man that you employ by the day? A. No. You have to make a distinction there. You asked me whether I think it is right.

Q. Yes, I mean morally right. If there is such a thing in the world as morals, let us use that word. A. There is. Then I will have to make a distinction between whether morally right to do it now under the existing system, and whether I think the system under which it is done is morally right. What I mean is if you are an employer of labor, as such, I have no particular criticism of you. That is the custom. If I should open a shop in Chicago and become an employer of labor, in my line, my comrades here would not criticize me for it. There would be nothing there in conflict with our principles.

Q. You would not be doing a wrong to the man you employed who asked you for a job in giving him the job? A. No. And as long as those conditions exist, as long as that is the system on which society is organized, then we do not criticize the individual for living under the system that he is living under.

Q. Then why do you call it a class struggle?

Mr. Hillquit.— Let him answer.

The Chairman.— Yes, let him continue with his answer.

The Witness.— Will you please read me back the last part of my answer?

(Answer read by reporter as requested.)

A. (Continued.) I think you will permit me — as part of my answer I want to say that the position that I would be justified in, and my comrades would not find any criticism of my exploiting labor under those circumstances, is due to this fact: That what

the Socialist party opposes is the system of exploiting; is the wage system by which interest and profit and rent, of taking from the working class through private ownership, of natural resources, and means of production now under this system. I either have to work for wages, or I have to pay wages. I either have to take interest or pay interest. I have to take rent or pay rent. Take wages or pay wages. I cannot escape from the system. I have to do one or the other, and it is just as much against my principles and socialist ideas to accept wages for my labor as it is to pay wages to other men for their labor, and I am no more violating my principles when I pay wages to other men than when I accept wages from other men, because it is that system of wages that I am opposed to under the existing system, and I and you and every other individual have to do one thing or the other; and no matter which one of the two you do, we consider it morally wrong, although under the existing system there is no remedy. And, therefore, this is the system which we strive to change and do not hold the individual responsible for it.

Q. Do you think a Socialist becomes false or disloyal to his conscience and his creed and his friends when he saves money and invests it? A. No, indeed. I have just been trying to make that point clear.

Q. He does not become disloyal to his country or to his fellow-men if he saves some money and invests it and draws the interest on that investment? A. Not only that, he does not become disloyal to his country, to his fellow-man, or to the Socialist party when he does it.

Q. Where is the warfare, then, between the class called the working class and the class called the capitalist class; where is the warfare between the people of the United States arrayed in one class or the other? A. The conflict is the inherent conflict between the economic interests of the employing class and the employed class that exists throughout society in our industrial system. That class conflict manifests itself in strikes, in lockouts, in these industrial disturbances that occur from time to time. They are simply manifestations and proof of the fact that the conflict is there, and that the conflicting interests exist.

Q. You don't think it is possible for employers and employees to get along together without strikes and tumults and things of that sort? A. I would not say that they could not. I say, however, that even such propositions as have been made to avoid

strikes, such as either voluntary or compulsory arbitration, recognizes the fact that there are differences, that there are conflicting interests which have to be adjudicated, and whether you settle this conflict of interests and give one side or the other the decision as a result of a strike, or board of arbitration, compulsory or voluntary, does not remove the fact that the difference or conflict was there, and had to be settled one way or the other — that the conflict exists.

Q. Now, let me give you an illustration of a friend of mine, the Mayor of my own city. He has been a builder all his life. He is now an old man. He has never had a strike in his lifetime, nor a lockout. Now, why is it that Mayor Edgerton, with this inevitable and inescapable warfare on, arising from his own industry could escape that? You do not doubt my statement of the facts, do you? A. Not at all. There are a great many employers who have never had a strike, due to perhaps two things: Some employers have never had a strike because they recognize the justice of the workers' demands for a reasonable and decent wage and conditions, and have complied therewith. Other employers have never had a strike because their workers were so ignorant and of such a slave psychology that they did not realize they had any rights; that they were entitled to a decent living or decent working conditions; and so that employer has escaped a realization, or manifestation, that there was a conflict of interest; but generally in the industrial world at the present time the working class as a whole has generally come to recognize the fact that they are entitled to decent wages, to a decent standard of living; that they are something more than cattle, entitled to something more than a bare existence.

Q. You don't think there is any difference of opinion among us here on that subject? A. No, I hope not.

Q. I don't want you to imply any such thing. A. In the industrial field, however, one is led to think frequently there is some question as to whether that is generally accepted or not.

Q. Let me give you an illustration. There are two friends of mine that have worked in the same shop in a skilled industry in Rochester for years, drawing the same wages that the other fellows in the same shop and industry have drawn. These two men, however, have lived with great economy, haven't blown their money in on good times; they have saved everything they could, and have gotten together a little sum of money. They go to the bank, and

because of their character, sobriety and reliability, they are able to borrow some more money and from those two sources have established a shop. They are doing it now in Rochester, and they are going to give employment, not only to themselves, but to start with, they are going to employ about a dozen skilled men. Now, using that as an illustration; I want to say, at the same time, that the other men in the shop where they work are good men; they have had the same wages; they have had equal skill, but they haven't been quite so frugal and careful and prudent with their wages; may be some of them have had bad luck. Now, these two men that have followed the course that I have outlined are entitled to some reward, aren't they, for that careful, consistent, frugal life, and you don't see any separation between them and their fellow men in enmity or hostility or state of warfare because they have started a new shop? Now, really, there really isn't any such thing, is there? A. There is.

Q. In actual condition which I have described, there is no state of war arising between those two young men whose hands are stained with the work they have done all their lives, who start a little new industry in the same line, and bring in some fellows and pay them as good wages as these two men have earned in their lifetime? Now, there isn't any state of hostility and warfare between those two fellows and the working men? A. There is no personal hostility. There is a conflict of interests. Up to the time those men opened their shop, while working for another employer, their given interests were the same as the fellow workmen; their interests were identical, in having the wages increased, in having the hours shortened, in having the conditions of labor improved. That was to their interest, and of every other worker in the shop. Therefore, their interests were identical. But the day they go out and start another shop and employ labor, then the interests of themselves and the men working for them are no longer identical. It is no longer to their interest to see the wages increased; it is no longer to their interest to see the hours shortened or to see the conditions improve, for thereby their profits are reduced. Their transition from employee to employer makes a very distinct and radical difference in their relationship.

Q. Now, to the men that remain in the shop, as employees, of the old employer and to these new employees of a new employer, the Socialist Party would say this, would it: "In the face of the tremendous powers of the American capitalists and their

close industrial and political union, the workers of this country can win their battles only through the strong class consciousness and closely united organization on the economic field, a powerful and militant party on the political field, and by a joint attack of both on the given enemies —” A. Yes, we say that.

Q. Now, who is the common enemy right there in that little shop, starting in Rochester there, this week; who is the common enemy? A. The common enemy there, Judge, is the capitalist system, not that individual employer, certainly not — the common enemy is the capitalist system and the capitalist class. Now, your questions have been, not intentionally, I am sure, but actually, a little unfair if you are trying to find out the position of the Socialist party, unfair in taking these small industrial units as an illustration, because the Socialist philosophy is not built and modern society is not organized on the basis of these small shops of a private owner employing two or three men. The Socialist philosophy is based upon and society to-day is organized upon the basis of the big industrial corporations.

Q. Don't the big ones all start from little ones? A. Yes, but the condition and the relationship between the stockholders and the directors of an industrial corporation, and the relation of close personal acquaintanceship and intimacy that may exist between the paperhanger boss and his one or two workmen, is entirely different, and our position, I think, can be better illustrated if we take a large scale industry and the position where a man is an exploiter and when he isn't. Here is the case of Andrew Carnegie and the steel industry.

Q. Well, he is dead. A. He is dead, but it offers a very good illustration of what I have been trying to make you understand. The general public assumes that the wealth which came to Mr. Carnegie while he was managing his steel businesses was due to the fact of his superior business ability; to his skill as an organizer of men and to his business ability. The Socialists say that for such services as he actually rendered in the running of that industry he was entitled to compensation; he was doing useful and necessary work; but we deny that the bulk of his compensation, that the millions which he secured, were secured as a result, or on account of, his ability or services in superintending, but were secured entirely on account of —

Mr. Hillquit.— Or frugality?

A. Or frugality — but were secured on account of his ownership of the means of production, with which thousands of men worked. Now, this is proven by the fact that when the United States Steel Corporation was organized and the Carnegie properties were taken over, and Mr. Carnegie retired from all connection with the management or the control or the superintendence of that industry and goes off to Scotland and buys his castle, that thereafter, although he is entirely disassociated from the affairs of that industry, he still continues to draw his millions of dollars from that industry. That is not compensation for his services as superintendent or otherwise. It is due to the fact that he owns the tools with which those men work; and it is that exploitation from which he derives his income, which comes as a result of ownership, not as a result of service or anything else, only the fact that he owns the tools.

By Mr. Sutherland:

Q. That is a very small fraction of the American people? A. A very small fraction who owns it.

Q. A very small fraction of men who live without work? A. A very small fraction of people who exploit the whole nation.

Q. Are not the larger per cent of the industries to-day managed by men who put in long hours and work hard doing it? A. Some of them put in long hours, undoubtedly.

Q. And most of those men started from what we will call, for want of a better term, "lowly positions," and worked up? A. Not most of them by any means.

Q. Some of the most successful have done that. A. Some of the most successful of the older generation, who were young men starting in industry 30 or 40 or 50 years ago. Quite a number of our multi-millionaires and captains of industry I would say were originally in the real working class, the captains of industry of to-day. That does not mean that the majority, or even most of the captains of industry to-day, or to-morrow, will be of the same class, because they will not.

Q. Well, managerial ability is not anything that can be handed down from father to son, can it? A. No, not managerial ability; but ownership can be and is.

Q. I am not speaking of ownership. I am speaking of the ability to manage things.

Mr. Stedman.— If you have the stuff you can hire a manager, can't you?

The Witness.— If you have the stuff, you can hire a manager.

By Mr. Sutherland:

Q. If you have not got the managerial ability, the business is not worth much. A. You can be an inmate of an insane asylum and your trustees can hire a manager and you draw millions.

By Mr. Stedman:

Q. Harry Thaw drew more in the asylum than he did outside. A. Certainly.

Mr. Stedman.— That shows that it pays to be insane.

By the Chairman:

Q. Supposing a hundred people — men and women — contributed one thousand dollars apiece to build up an industry; that would be \$100,000? A. Yes.

Q. Now, each one of those people who contributed that \$1,000, you class as belonging to the capitalist class; is that the idea? A. Yes, they would all be members of the capitalist class.

Mr. Hillquit.— You have not stated the position fully. Is it a co-operative enterprise into which each man contributed one thousand dollars?

The Chairman.— No, they take stock.

Mr. Hillquit.— Just a stock corporation?

The Chairman.— Yes.

Mr. Hillquit.— And they live on the dividends?

The Chairman.— Yes.

Mr. Hillquit.— And your question is what?

The Chairman.— I asked him if he classed those people as belonging to the capitalist class?

Mr. Hillquit.— Regardless of their occupation outside of this business?

The Chairman.— Yes.

Mr. Hillquit.— You have not stated your question fully. How can this witness answer? Suppose you have invested one thousand dollars in this enterprise and suppose you have invested one

thousand dollars in another enterprise and another thousand dollars in another one, and your living comes from this thousand dollars and the other money, and you do not have to do any work yourself, you are a capitalist. Suppose that was the only thousand dollars you had in this world and you get 6 per cent, which is \$60 a year, and for the rest of your living you have to lay brick, or something like that, you are not a capitalist.

The Chairman.— I get your idea.

By Assemblyman Jenks:

Q. Suppose a man had one million dollars invested and it did not bring him any income?

Mr. Hillquit.— Suppose a man had one million dollars invested and drew 6 per cent—

Assemblyman Jenks.— Suppose it did not pay and he did not get a cent?

Mr. Hillquit.— Well, the poor fellow would be a laborer with a useless lot of money besides.

The Chairman.— This is rather an informal discussion. Mr. Everett wants to ask a question and then we will have yours, and then we will proceed with the cross-examination.

By Assemblyman Everett:

Q. If a man was a Socialist in good standing in your organization, and succeeded by his saving to accumulate a property sufficient to support him, could he then retire as a laboring man and live on the income from that property and remain a Socialist in good standing? A. He could.

By Assemblyman Harrington:

Q. My question is this: I want to know if the Socialists practice what they preach in two ways. We will assume a Socialist inherits wealth from his parents. What should be his consistent attitude toward that wealth as a Socialist? Should he distribute it or should he stop being a paper hanger and live on the income? A. Neither one. He should certainly not distribute it, because that is not in accordance with the principles of the Socialist Party and not advocated by us at any time. That would not relieve or improve the industrial or social condition at all. He certainly

should not distribute it. He should invest it and administer it as well as he could for the purpose of increasing the production of wealth. He should certainly not impose the most onerous and unjust conditions upon his working men, but he, on the other hand, should not attempt to do more than was customary in the most liberal and best managed of the similar shops in that industry at any time. That individual could not hope to change the capitalist system. The fact that he was bequeathed a million dollars, and if he was foolish enough to distribute it around amongst others, would make no difference. Our opposition is not to our holding a million dollars, or you, or Mr. Rockefeller. Our opposition is to the private ownership of railroads, to the private ownership of capital in general, the private ownership of mills and mines and lands and factories, and that would be unaltered and unchanged by my giving away my million dollars. It would not affect that, would it?

By Mr. Sutherland:

Q. I read to you from your party platform: "To insure the triumph of socialism in the United States, the bulk of the American workers must be strongly organized politically as Socialists, in constant clear-cut and aggressive opposition to all parties of the possessing class. They must be strongly organized in the economic field on broad, industrial lines as one powerful and harmonious class organization, cooperating with the Socialist Party, and ready in cases of emergency to reinforce the political demands of the working class by industrial action." I want to ask you what you are doing as a party toward organizing in the economic field on broad, industrial lines, as one powerful and harmonious class organization? A. As a party, we are carrying on a campaign of education in favor of the industrial form of organization. We are, in our party press and through resolutions, and in some leaflets and pamphlets, explaining what an industrial organization is, and its purposes, and its functions, and its superior features—features in which it is superior to the craft form of organization. We are not attempting to organize an industrial union. That is not our function. The function of the Socialist Party is on the political field. We advise the workers what we consider best for them in the economic field, but we do not consider, and never have considered that our proper function was to go out and organize a labor union, either class or

industrial, but we wish the working class would organize industrial unions. We believe it is to their interest and tell them so, and our efforts to create an industrial union consists in that educational campaign, explaining the benefits and superior advantages of industrial as against craft unionism.

Q. That means, you are in favor of one big union of all workers, doesn't it? I am not putting quotation marks about that or referring to Heywood's one big union; I mean just what I say — you are in favor of one big union among all workers in industry? A. Well, I don't know that I would put it quite that broad, in favor of one big union in all industries. I would rather say we are in favor of one big union in each industry. That I think perhaps would be a little more accurate.

Q. Aren't you in favor of inter-industrial union? A. No, I don't think that we are committed to that policy. We would like a relationship federation of the six or eight or ten large industrial unions but not necessarily one union of all industries, but one union for each industry surely.

Q. What do you mean then by the words "One powerful and harmonious class organization," in the platform? A. One powerful and harmonious class organization on the economic field would consist of a federation of industrial unions.

Q. Yes. Bound together with leadership and responsiveness in the organization to that leadership? A. Yes, not integral parts of the same organization but certainly in the organization such as the American Federation of Labor, all labor unions in which their common interests and class character were recognized and in which they would mutually support each other in such efforts as they undertook.

Q. In order to make it efficient and accomplish the purpose of industrial union you have got to get them all into one organization with one leadership and have them responsive to that leadership, haven't you? Isn't that the logical end? A. In the sense I have explained it, that each organization be put into one large organization and where their interests were identical, yes.

Q. When you have got that organization, and that organization covers all the workers which are engaged in the production and distribution of the necessaries of life and if those workers are all organized, as I have stated, responsive to leadership and all working with one given end, you can call it general strike, tie off the articles of human existence, except from those people who

are responsive to your demands, can't you? A. We could, but it wouldn't be necessary.

Q. I am asking you whether you would have the power to do that under such an organization. A. If you mean by whether we would have the power, whether you mean the Socialist party would have the power, why, not necessarily, no. The leadership of that industrial union would have the power.

Q. The leadership of that industrial union would have the power. Now, if the object of that industrial union is to enforce changes in the form of government, have you not got an instrument which could be used with terrific power of coercion to compel a majority to submit to the dictates of those people who had in their hands the leadership which I mentioned? A. Will you read that portion of the question which says —

The Chairman.— Read the entire question.

(Question repeated by the reporter.)

The Witness.— That is a hypothetical question and the organization which the Socialist party has been advocating and is advocating on the economic field is not an organization whose purpose is to force changes in the form of government. An economic organization which we favor is an economic organization for the purpose of increasing wages, shortening hours, securing better shop and working conditions for the working class in their daily labor, the same purpose for which a craft union is organized. For the same purpose we desire an industrial union because we think it will more effectively secure those improved working conditions. Those are the purposes for which we want to organize an industrial union.

Q. Now, let me call your attention to paragraph 18 under the heading "Political Demands," taken from the Congressional Campaign Book of 1914 of the Socialist Party of America. This is the language: "Under political demand such measures of relief as we may be able to force from capitalism are but a preparation of the workers to seize the whole powers of government in order that they may thereby lay hold of the whole system of socialized industry and thus come to their rightful inheritance." Now, with that before you, do you still say that the industrial organization into one powerful class conscious organization is not intended and expected by the Socialist party to be utilized as an instrument for compelling the acceptance of your political

demand? A. Yes. I mean to deny that that is the purpose of our advocacy of industrial unionism. Our purpose for desiring the industrial union is as stated for the purpose of improving the condition of the working class here and now under capitalism. We realize, however, that with the growing class consciousness of the working class, with the increased sense of solidarity and class consciousness which will continue to increase amongst the workers and also increase with industrial organization that they will come more and more to the Socialist position. We anticipate, I might say, we suppose that if the time should ever come that it was necessary for them to support the Socialist party that they would do so. Your hypothetical question here if those men were all organized in an industrial union absolutely controlling the industries of the country, if they had the power, they could tie up the country and paralyze industry, is no doubt true. They could if they were all organized, if everybody was in one union, but if the working class were all organized and if the working class were all class conscious, and if they did all accept or if the majority even accepted the Socialist position, and were in these respective political or economic organizations, it would not be necessary to call a strike; it would not be necessary to do any of those things which our power might enable us to do, because in the vast majority of cases it would not be necessary under those circumstances, under the program of the Socialist party, having the great masses of the workers with us, and we would be able to take charge of the executive and legislative affairs of the state and nation, and there would be no necessity for the use of their power.

Q. Now, Mr. Secretary, if it were a question of gaining your ends by votes, by a majority vote, what would be the use in all of your appeals and your platforms of these statements: "That political action must be backed up by industrial mass action in order for you to win your battle against the capitalist class?"

A. I think it would be very advantageous to the Socialist party in the day when we do have a majority, and elect officials; very advantageous to have an economical organization working class ready to support us by economic action, ready to say that the Socialist party was given possession of the offices to which it had been legally and constitutionally elected; ready, if necessary, in support of the Socialist party and the duly elected officials of the State and the Nation to tie up, industrially to paralyze any attempts of the capitalist minority, to frustrate the will of the

people in electing the socialist administration; and I think such an industrial organization capable of lending such support and support of that kind to the socialists and to the people of the United States in carrying out their wishes as expressed at the ballot box, would perhaps go a long way toward making resistance possible. In other words, the very existence of that power, the recognition of the fact that the working class were united and were determined to have their will as expressed by the majority of citizens at the ballot box, would perhaps, avoid resistance on the part of the minority.

Q. Mr. Secretary, without repeating them and without reading them to you, in order to save time, it is true, is it not, that your party has again and again and again called the attention of your members to the fact that in order to win in your class war you must have, not only parliamentary action, but industrial union of one powerful class conscious element, cooperating in order that you may attain your purpose? A. Certainly.

Q. Isn't it running all through your literature, from the beginning to the end? A. Why, certainly, they act together. It is inconceivable that the working class that had intelligence enough, the great majority of them, to organize politically would not have intelligence enough to organize economically, and vice versa?

Q. Why do you need the machinery to organize the general strike if you are merely depending upon the effect of the majority vote at the ballot box? A. The Socialist party is not advocating the machinery for calling a general strike. As I said, our advocacy for industrial unionism is for the purpose of improving working conditions of the working class here and now. We are not advocating an organization for the general strike of the future, but the everyday battle of the working classes with their bosses.

Q. Didn't you say, as a party to the members of your party, and have it translated by your translator secretaries and put in the hands of all your foreign-born members this statement: "We suggest and appeal that the workers, as a measure of self-defense, and as an expression of their power, exert every effort to keep America free from the stain of a causeless war, even to the final and extreme step of a general strike, and the consequent paralyzation of all industry?" You said that, didn't you? A. I do not recall the exact wording. If you are reading it from a document —

Q. I am reading it from the compilation by Mr. Trachtenberg and Mr. Hillquit. A. No doubt that is correct.

Q. That is not the first time you have used that expression in your party literature and party manifesto? A. No.

Q. The general strike is a subject, and the possibility and the plan of action which has been discussed in your meetings and in your propaganda, isn't that so? A. The general strike is the plan of action which has been discussed for quite a number of years in the Socialist party in this and other countries, and on which there has been a great deal of disagreement within the Socialist party. The general strike, as a weapon, has never been officially endorsed by the Socialist party of the United States. We recognize certainly the possibility of a general strike, and we admit the possibility of the general strike. At the same time, under conditions which might possibly arise as being even desirable. We recognize the possibility; yes, sir. It does not mean that we have advocated it; no.

Q. We are not indulging in mere blue sky when we speak about the possibility of a general strike, if it were deemed wise and advisable by the people in your party to call such a strike? A. Under conditions which made it wise and advisable, yes.

Mr. Hillquit.— Will the stenographer please read the last question of Judge Sutherland to Mr. Branstetter, and will you, Mr. Branstetter, please pay attention to it?

(The last question was read back by the reporter).

The Witness: That is the whole confusion that exists and makes it too needless a repetition of something that ought not to be repeated, that the socialist party has no power to call a general strike, or any strike, general or otherwise, and as a socialist party, it is not seeking that power. This industrial organization which we are urging upon the working class, when it is organized, will not be subject to the dictation of the socialist party. Those workmen in the industrial union will not go on strike at the dictates of the executive committee of the socialist party. They will go on strike only upon vote of their own membership in the industrial union.

The socialist party at no time has ever claimed, or even has it desired, and as a matter of policy, the Socialist party of the United States does not want the control of the economic organization and the internal control of their policies and their action. We have always insisted they should control the economic organization, but we, the political; but we should work in harmony and cooperation one with the other.

By Mr. Sutherland:

Q. Who is Robert Hunter? A. Robert Hunter was a socialist party member at one time—I think a member of the national executive committee—and the author of quite a number of books on Socialism and allied subjects.

Q. Is he still in existence? Is he still alive? A. I think he is.

Q. Is he discredited as a Socialist? A. No, not discredited; just not active at the present time.

Q. Now, I am told that Robert Hunter wrote, for the New York Call, November 8, 1919, the following words: "The ballot is a means; the strike is a means; the bullet is a means; to the man or class who knows how to use the ballot, the strike and the bullet, victory is near." A. I do not know whether he wrote it or not. I never heard the quotation before.

Q. What would you say as to that sentiment?

Mr. Block.—Get the whole thing.

The Witness.—I could not pass on that sentiment. I can say this for Mr. Hunter's position: the Socialist party has published a book by Mr. Robert Hunter, entitled "Labor in Politics" which sets forth Mr. Hunter's views at great length, and which is taken up with argument and illustration to show the inadvisability and the falseness of the idea that labor could or should resort to violence in its strike. The whole purpose of it is urging peaceful and legitimate agitation on the part of the union.

By Mr. Conboy:

Q. You said, in answer to Judge Sutherland, there never was an instance where the Socialist Party of America advocated the use of the general strike. Did you mean that? A. I do not know that I said those exact words. As I say, we have never adopted the general strike as one of the policies of the Socialist party. We have never attempted to call a general strike, and under our present organization and policies, we could not call a general strike; we have no authority to call a general strike.

Q. By that you mean that you are not—I do not mean to say that your meaning is not clear—but when I use that phrase, I want to understand your meaning—by that I take it the general strike is not available to you as a means at the present time?

Mr. Stedman.—Mr. Chairman, I want to object and protest on speculating as to what they will do on a hypothetical position. How does that man know what they will do ten years from now.

The Chairman.—Read the question.

Mr. Conboy.—It will be necessary to go back two or three questions to get the correct context.

The Chairman.—Read them.

(Last questions and answers read by reporter.)

The Chairman.—You may answer.

The Witness.—It is not available as a means at the present time, and we have not attempted to make it available; and we have not attempted to put ourselves in a position where we could.

By Mr. Conboy:

Q. On page 25 of this pamphlet that has already been received in evidence, under the heading, or the title "The U-Boat Controversy" there is this statement—on page 24—"On April 21"—referring to the year 1916—"when the situation seemed critical, the National Secretary met with the various Translator-Secretaries and drew up a proclamation which was later submitted to the National Executive Committee for approval. The manifesto reiterated the unalterable opposition of the Socialist party toward war, assailed the system of secret diplomacy and laid the existence of friction between the two countries at the door of the capitalist interests."

That is the introduction of the manifesto. Then follows the manifesto, which concludes with this sentence: "We suggest and appeal that the workers as a measure of self-defense and as an expression of their power exert every effort to keep America free from the stain of a causeless war, even to the final and extreme step of a general strike and the consequent paralyzation of all industry." Now, in the face of that statement, contained in this book compiled by Mr. Trachtenberg, to which Mr. Hillquit wrote the introduction, do you still persist in your statement that the Socialist Party of America has never advocated the use of a general strike? A. The point is this: That manifesto, adopted by the emergency committee, and incidentally, it may not be important but over which there was considerable controversy in the period after

it had been adopted and published, as to whether it should have been or not, means this: it does not attempt to call a general strike or advise the working class within the economic organization that under those circumstances and conditions we believe that a general strike would be advisable. They did not see fit to agree with the Socialist party and therefore they did not find an occasion where they deemed it necessary and advisable to call a general strike. I mean even where we say there that we urge upon them if it became necessary to go to the extent of a general strike. We still leave it entirely in their hands in the economic organization themselves to make the decision. We do not say they must. We make no such provisions and desire no such authority in the labor union. We leave it with them entirely whether they care to resort to that means.

Q. I think you assume, as you have stated, that you have no power to compel them to strike; you were not then in 1916, and I assume you are not now so sufficiently organized as to be able to compel a general strike, but it is a fact, is it not, that in the year 1916 you did suggest to the workers in the United States that they should go even to the final and extreme step of a general strike and the consequent paralyzation of all industry?

Mr. Hillquit.— I object to this form of question which includes a statement by counsel of his own conclusions, not supported by any testimony.

The Chairman.— Objection sustained.

Q. What you have referred to as "The Class Struggle" finds its expression in the Marx and Engels Communist Manifesto, doesn't it? A. That is, the statement of the class struggle is contained therein, yes.

Q. Now, that class struggle all Socialists believe exists? A. All Marxian Socialists believe that that class struggle exists?

Q. All Marxian Socialists believe that that class struggle exists? A. Yes.

Q. And the purpose of your Socialist movement, considered as a Socialist movement, is to end that class struggle? A. Yes.

Q. And when the class struggle is ended, it will be ended by the fact that there will no longer be any classes; that's true, isn't it? A. Rather a confusing cause and effect, but that would be the result.

By Mr. Stedman:

Q. Is J. Louis Engdahl employed in the National Office now?
A. He is not.

Q. He has not been since last August, has he? A. No, later than that — since last fall.

Q. Do the Translator-Secretaries translate all literature that is given out by the national organization into every language?
A. No, very small part of it.

Q. Referring to the document here "Socialism Summed Up," do you know whether that has been translated by the translator-secretaries? A. I do not know that it has not, but I would assume —

Q. Do you know whether it has been? A. I know it has not in most of the translator-secretaries' offices.

Q. Now, the French Federation joined the party some time between the middle or, we will say, the summer of 1918 and the summer of 1919, did they not? A. Yes, within the last year and a half.

Q. Does the party order literature for the foreign speaking branches? A. No, the party has no direct control or connection.

Q. Answer yes or no if you can. A. No, it does not.

Q. A local branch of a foreign federation could remain in the party if it disassociated itself from the federation and continued as a member of the party after the Federation is suspended or expelled, could it not? A. It could if it did not maintain the position which resulted in expulsion.

Q. Assume it repudiated that position and joined the party it could remain in that instance? A. Yes, most assuredly.

Q. Your knowledge of the movement and its membership is due from going from branch to branch and state to state, and lecturing among them? A. Very largely.

Q. And personal familiarity with them in going from office to office? A. Yes, sir.

Q. And upon that you base your conclusion as to the percentage of citizenship? A. Largely.

Q. I want to call your attention to the execution of labor legislation; isn't it a fact as a general rule that legislation adopted, especially mining legislation, factory legislation, is enforced through the constant surveillance of labor unions and their representatives? A. And by that means only practically.

Q. In other words, the labor unions have to insist upon the enforcement of the law which is passed in their behalf?

The Chairman.— I do not see how he can answer that.

Mr. Sutherland.— The Committee knows better than that.

The Chairman.— Objection sustained.

Mr. Stedman.— I am not speaking of New York.

By Mr. Hillquit:

Q. Mr. Branstetter, in connection with the two Jewish pamphlets offered in evidence here, Exhibits 17 and 19, Judge Sutherland's questions, as I understand them, implied that it is the national office of the Socialist Party that conceives, orders and prints the literature of the foreign federations and has it translated into the respective languages of those federations through the secretary-translators. Is that the condition? A. That is not the condition in any of the federations. The books and pamphlets and such propaganda material as they publish, they publish on their own initiative. The party is never consulted and knows nothing about it. The printing and publishing of literature is entirely in their own hands.

Q. Are these booklets and pamphlets printed by the various federations identical for all federations and the party as such, or does each federation publish its own literature as it deems fit? A. Each federation publishes its own literature and generally it is not the same literature published by other federations.

Q. Then going back to the Jewish Federation, does the Jewish Federation ever consult the national office of the party as to the character of its literature, contents of the pamphlets published by it? A. It does not.

Q. And did it in this case, as far as you know? A. It did not.

Q. And that similarly applies to the other federations? A. It applies to all of them.

Q. You stated in reply to one of Judge Sutherland's questions that the executive committee had no power to repeal or set aside any enactment of the party membership. By that you mean it has no such power under the constitution? A. I mean it has no definitely stated power to amend or change the rules or regulations adopted by the membership. It has exercised upon occasions the implied power to set aside regulations or referendums which are to the interests of the party, as we thought them to be, and that came in conflict or are impractical of application.

Q. Now, I assume Judge Sutherland had reference to two particular instances; that is, the suppression of clauses 6 and 7 of the political demands contained in the platform of the Socialist party of 1917 after they had been ratified on referendum vote. Do you know this incident? A. I do.

Q. Regardless of the question of whether or not the national executive committee had the specific right under the constitution or not, do you know whether or not, as a matter of fact, the national executive committee did suppress or omit those two paragraphs or clauses? A. As a matter of fact, the executive committee took the authority to eliminate them from the published documents, and did so eliminate them, and for which action the membership has never since called them to account. It met apparently with the approval of the membership.

Mr. Sutherland.—I move to strike out that part of his answer where he says "it met apparently with the approval of the membership."

The Chairman.—It may stand as far as that; he don't know anything about that.

By Mr. Hillquit:

Q. As a matter of fact, actually and physically, the national executive committee at that time did eliminate these two provisions? A. They did.

Q. That you know to your own knowledge? A. Yes.

Q. You were also asked whether the party had ever disapproved of any strike. Is the party in the habit of passing upon every strike favorably or unfavorably? A. No, only the very large and important strikes that are called to our attention do they take any action one way or the other.

Q. It was only in strikes involving exceptional conditions that the party did act? A. Yes.

Q. And in all such cases acted favorably? A. Always.

Q. Mr. Branstetter, do you and the Socialist party assume the position that the workers of the United States have the absolute and unrestricted right to organize economically? A. I do.

Q. And that they have the absolute and unrestricted right to choose their own form of organization? A. I do.

Q. And that in choosing such form of organization they should only be guided by the question of the efficiency of organization? A. That is the idea.

Q. And do you and the Socialist party take the position that if the workers of the United States consider the industrial form of organization more effective than the trade or craft union form, that they have a full and perfect legal right to organize industrially? A. Most certainly have the right, and it is their duty to organize that way.

Q. Is it the sincere conviction of the Socialist party that industrial form of organization is more effective than the craft or trade union form? A. That unquestionably is.

Q. Is the belief of the Socialist in favor of the industrial form of organization based upon that conviction? A. Upon that conviction, yes.

Q. Do you and does the Socialist party hold that the workers of this country have a right to withhold their labor or give it upon such terms as they think is proper? A. We do take that position, yes.

Q. And do we claim that the workers of this country have the right to strike for any cause which they deem in their interests, including political causes? A. Yes.

Q. And when we speak of general strikes, or when we once mentioned a general strike, was it that right that we have in view? A. Always.

Q. Mr. Branstetter, is it the Socialist position that a general strike of all workers in all industries, such as was described by Judge Sutherland which would, for a considerable length of time paralyze the whole life of the country, could that actually be carried out without destroying the lives of the workers themselves? A. I don't think it is practicable, feasible or possible.

Q. But we do believe that a strike in certain basic industries for a certain time in order to enforce working class demands is perfectly legal and may be proper under certain circumstances? That is correct? A. Perfectly legal and may be justifiable and desirable.

The Chairman.— Is that the end of it?

Mr. Hillquit.— I think I have one or two more questions.

Mr. Sutherland.— Mr. Chairman, I hope it will not be granted that a preconceived, prearranged strike on general lines, and forced by an organization and by the discipline of an organization, the object of which is to tie up the production and the distribution of the necessaries of life is a legal thing to indulge in. I shall

protest against any such proposition of law. I claim it is a violation of the law as it stands today, the law of the State, the law of the United States, as well as the law of humanity.

The Chairman.— I will hear you gentlemen the middle of next week on that subject.

Mr. Stedman.— Not at the rate we are going now. It will be four weeks.

By Mr. Hillquit:

Q. You were examined at length on the question of class struggle and the change, or supposed change, of your sentiments if you passed from a worker to a capitalist. Do you recognize a distinction between class struggle and class hatred? A. Oh yes.

Q. Will you tell us what it is, very briefly? A. Well, class hatred is the hatred between individuals of one class toward individuals in another class. We, as Socialists, do not have class hatred.

Q. Do the Socialist preach class hatred? A. By no means.

Q. Do the Socialist at any time instigate class hatred? A. Not at all.

Q. Now, the last question, Mr. Branstetter, does the Socialist Party allow its members a considerable latitude of opinion on questions of tactics, and does it allow them the right to differ with accepted positions on such questions of tactics? A. We have always allowed a very wide latitude to our members.

The Chairman.— Yes or no.

The Witness.— Yes, sir.

By Mr. Conboy:

Q. When you say that the Socialist Party allows some latitude in tactics what do you mean by that?

(Discussion off the record.)

The Chairman.— Read the last question.

(The last question was read by the reporter.)

Q. What did you mean by that answer, a difference of latitude on the opinion of tactics? A. I mean the party has tolerated or allowed the members to disagree with the accepted party position

on questions of tactics, and that that disagreement did not result in their discipline or expulsion. We tolerate a wide difference of opinion.

Q. For instance, the expression of tactics yesterday on the part of Mr. Debs, was that tolerated? A. I do not know the expression of tactics on the part of Mr. Debs. I do not know what you refer to.

Q. The expression of tactics on the part of Mr. Victor L. Berger, was that tolerated? A. Oh yes, they were tolerated.

Q. They were tolerated within the party? A. Yes sir, neither of them were ever disciplined or expelled?

Q. Neither of them was expelled or disciplined for his expression of opinion?

(Discussion off the record.)

The Witness.— What I did question in the very beginning was the question which said the expression of tactics.

Q. How wide a range has this matter of tactics taken within the party?

Mr. Hillquit.— I object to that.

Mr. Conboy.— Mr. Hillquit opened this discussion, and I do not think an objection from him should be entered.

The Chairman.— The objection is overruled. Answer the question.

The Witness.— I do not know how hardly I can.

The Chairman.— Then ask for the question.

(Question repeated by the reporter.)

Mr. Hillquit.— I respectfully submit, does it call, for instance, for distance, miles, hours or what?

The Chairman.— Well, give us your best answer.

The Witness.— Well, only in a general way, a very wide range, that is all.

Q. What are the limitations of that wide range, tell me the specific things that are included within that range? A. I cannot do that. If you ask a definite question —

Q. Can you tell me some of them? A. No sir, I cannot tell you.

Q. You cannot tell me any of them? A. I can tell you perhaps such things as are excluded, not those that were included.

Q. All right, tell me those things that were excluded. A. We excluded the advocacy of opposition to political action as a weapon of the working class. That we could not tolerate, and men were disciplined and suspended and expelled for opposing political action. We saw the question of immediate demands, that is of confining the activities of the party toward propaganda, and agitation for our ultimate ideal and ignoring the demands of the working class — work of reform here and now.

(Whereupon at 4:18 a recess was taken until 4:30 p. m.)

ÂFTER RECESS, 4:35 P. M.

The Chairman: Proceed.

JULIUS GERBER, recalled, testified as follows:

Direct examination by Mr. Hillquit:

Q. Mr. Gerber, you have been sworn in this proceeding before?

A. Yes, sir.

Q. And have been examined? A. Yes, sir.

Q. And in the course of your examination you were asked, were you not, by counsel for the Committee whether you had tabulated the membership cards in your possession in order to ascertain the percentage of citizenship of members in the county of New York, of the Socialist Party? A. Why, I was not exactly asked whether we had tabulated it. They wanted it tabulated.

Q. Made a request for permission to tabulate it? A. Yes.

Q. And you gave such consent? A. Counsel did.

Q. And thereafter were the membership cards in your office so tabulated? A. Yes, sir.

Q. By whom? A. By some firm of accountants brought there by one of Mr. Berger's assistants.

Q. You mean, Mr. Berger one of counsel for this Committee?

A. One of the Attorney-General's office.

Mr. Sutherland.— Here it is. I had intended to put this in evidence.

Mr. Hillquit.— I offer that in evidence.

(The paper was received in evidence and marked Assemblyman's Exhibit No. 5.)

Mr. Sutherland.— This is Mr. Perley Morse & Company's compilation of the data which he was able to obtain in the Borough of Manhattan.

By Mr. Hillquit:

Q. And this compilation was based on what, Mr. Gerber? A. On the record cards in the office of the Socialist Party in New York county.

Q. Representing? A. The present membership of the party.

Q. The present membership of the party? A. Yes, sir.

The Chairman — Borough of Manhattan?

Mr. Hillquit.— Borough of Manhattan.

Q. How many members did that include? A. Five thousand five hundred and sixty-eight.

Q. And of these did you find data as to citizenship with reference to each and every one of them? A. The copy I made from the accountant's copy in the office at the time; I never got one of those typewritten copies, although he promised me one, was 3,833 citizens on the record marked as citizens; 978 who were not citizens, and 802 of which there was no record.

Q. The figures I have in the exhibit just submitted vary somewhat from yours, giving the number of citizens as 3,080, the number of non-citizens as 987, and the number of those with respect to whom there were no data to be found, 812. That is approximately correct? A. That is approximately correct. I copied his figures from their pencil copies in which there may have been some error in their additions.

Q. Then leaving out of the reckoning those with respect to whom there were no available data, what was the percentage of citizens among the membership of the Socialist Party in the borough of Manhattan? A. Well, the best I can figure out is very close to 90 per cent.

Q. I do not suppose, Mr. Gerber, that it amounts to 90 per cent? A. No, very near to it.

Q. I think it would be closer to 80 than to 90 according to these figures. Well, whatever it represents in proportion 987 non-

citizens as against 3,780 citizens, that would be the percentage; it is about 80 of the total that are citizens? A. A little over 80.

Q. Now, Mr. Gerber, with reference to those who are classified as non-citizens, where did you get the information that they were non-citizens? A. At the time when they joined the party. In filling out the application they state whether they are citizens or not.

Q. Then those classified as non-citizens were not citizens at the time of their application for membership in the party, is that correct? A. That's right.

Q. Among such applications were there any that were a year or two or three years old? A. Why, some of them are fifteen years old — twenty years old.

Q. Do you know whether any of these 987 members who were not citizens at the time of their application for membership in the Socialist Party had become citizens subsequently and are citizens to-day? A. I do.

Q. Can you give us any estimate as to the percentage of these that have since become citizens? A. In the Finnish branch, according to the statement made up by the auditor, they gave the total membership of 366 of which 27 were citizens, 129 not citizens. When I had the secretary of the naturalization committee of the Finnish branch go over the cards and make up a record we found there were 197 citizens.

Q. Instead of 27? A. Instead of 27.

Q. Which was the original number? A. Which was the original number.

By Mr. Hillquit:

Q. So that there alone more than 100 members originally non-citizens had become citizens? A. During the period of their membership in the party.

Q. And do you know of any other instances? A. Why, the same would apply in most all other branches. We are, at the present time, getting our cards up to date; but the percentage will not be as large as in the Finnish branch, because their proportion of non-citizens was larger; but proportionally about the same.

Q. From the facilities for observation at your command, will you state what proportion, approximately, of those members who were not citizens at the time of their application for membership, and who are here listed as non-citizens, have become citizens and are citizens to-day? A. I say about 70 per cent.

Q. About 70 per cent of them? A. Yes.

Q. So that would leave only about 300 non-citizens to-day? A. That is about all.

Q. Out of a total of almost 5,000 members, whose records were taken? A. Yes, more than 5,000 — 5,568.

Q. In other words, about 6 per cent non-citizens? A. That would be about the percentage.

(Discussion off the record regarding method of arriving at figures.)

Mr. Hillquit.—I am including 2,730 citizens originally, 987 not such citizens originally, which will make 4,750, to be exact.

Mr. Sutherland.—He used 5,000. I thought he included all the blanks.

Mr. Hillquit.—No; 4,750 members, of which you say about 300 are not citizens, and that represents a little more than 6 per cent?

The Witness.—Yes, sir.

By Mr. Hillquit:

Q. So that your estimate is that between 93 and 94 per cent of the members of the Socialist party in the borough of Manhattan are citizens of the United States? A. From the figures sent from the office since, they claim 95 per cent are citizens up to date. That is from the corrected records they have made up since; it is not quite complete.

Q. That comes pretty close to it, anyway? A. Yes.

Q. Can you tell what is the percentage of citizenship among the general population of the borough of Manhattan? A. Why, according to the State census of 1915 the borough of Manhattan had a population of 2,137,747, of which 1,472,284 were citizens and 665,483 were aliens, which would make the percentage of citizenship about 68.

Q. Then while the citizenship for the population in the borough of Manhattan is about 68, the citizenship of the members of the Socialist party in the same borough is 93 or 95, or thereabouts? A. Yes.

Q. Considerably higher than that of the average population? A. Yes, sir.

Q. Does the organization of the Socialist party in the borough of Manhattan make any special efforts to educate its members in

the politics, history and civics of this country and State and to facilitate the processes of their naturalization? A. Yes, sir.

Q. What efforts does it make? A. Why, in the various foreign speaking branches there are naturalization committees whose function it is to educate their members in the constitution, politics and history of the country so that they can become citizens. There are also in various parts of the city, we maintain bureaus for the same purpose, including a class in the Rand School.

Q. And in such classes are these foreign-born members taught English? A. They are.

Q. And civics? A. Yes, sir.

Q. And American history? A. Yes, sir.

Q. And the general constitutional law? A. Well, I don't know whether you call it constitutional law. They are taught the history of the United States, the civics, form of government of the United States and policies and everything that goes in connection with the public functions of the United States, state and city.

Q. In other words, they are thoroughly educated in what you might call Americanization? A. Yes, sir; I claim that the Socialist party is the only party that carries on a systematic campaign of Americanization. I told Mr. Stevenson that.

Q. Mr. Gerber, you are also familiar and I believe you have so stated on your direct examination, with the affairs of the state committee of the Socialist party in the State of New York? A. I am, sir.

Q. And with the constitution of the State organization? A. Yes, sir.

Q. Is there a provision in the New York State constitution which requires a certain length of membership in the Socialist party of such members who are elected to office within the party? A. There is.

Q. And what length of membership is required? A. Three years — no, I think it is two years.

The Chairman.— It appears two years already in the evidence.

The Witness.— Two years for the state committee; three years in New York County.

By Mr. Hillquit:

Q. Were you at the convention at which this was adopted? A. Yes, sir.

Q. And you say in the constitution of the County of New York there is a similar provision? A. Three years.

Q. Calling for three years' membership? A. As a qualification for holding membership on the executive committee.

Q. And will you state what was the intention of adopting the provisions in both cases? A. The intention was that those that want to qualify for membership upon the committee should be sufficiently long enough in the United States or will be citizens, and also acquainted with the histories and policies of the United States.

Q. Under the provision, then, Mr. Gerber, is it possible for a Socialist to come from a foreign country, or, say any country, and be at once elected to executive office in the Socialist party, local or in the state? A. No, it is not.

Q. Are you thoroughly familiar with the personnel of the executive committee of the Socialist party in the County of New York and at present in office? A. I am familiar with it for quite a number of years.

Q. And will you state whether within your recollection there ever have been aliens as members of such committees? A. Not that I can remember. I have looked them up during these last few weeks.

Q. And you say within all the years of your recollections, which covers about 10 years? A. Well, I have been ten years in office; this is the 10th year.

Q. You don't know of a single instance that there has been an alien on the executive committee, either local or state? A. In the state executive committee or of the local.

Q. And certainly not an alien enemy? A. Could not be.

Q. With reference to the provision in the State Constitution, which calls for an advance resignation to be signed by candidates for public office, members of the Socialist party, you have, I believe, stated on your direct examination or on your cross-examination on another occasion, that they had not been in force for a long time? A. That is what I said.

Q. Is that correct? A. Correct.

Q. Do you know when it was originally adopted? A. As I said, this was inherited by us from the old Socialist Labor party.

Q. What was the intention of adopting that question?

Mr. Sutherland.— I object.

The Chairman.— I will sustain it.

Q. Were you present at any convention which discussed the question of having this particular provision in the Constitution?

A. I was.

Q. Where? A. Oh, I think the convention of 1900, when we first organized the party in the State.

Q. And was that particular provision then discussed? A. It was.

Q. And will you state what was the object of that convention in inserting that provision in the Constitution?

Mr. Sutherland.— I object.

The Chairman.— I do not see how that is important.

Mr. Hillquit.— I think it is quite important.

The Chairman.— He says they have not used it, and that is the end of it.

Mr. Hillquit.— Our position is a dual one. Our position is, we have had a perfect right to have it, although, as a matter of fact, we have not used it. The intention of it is very important because theories have been made by the other side on this question about the intention of having this provision. We have been charged with holding strings upon our officers, and taking away their independence, and so on. I think it is entirely proper and competent to state all the reasons for adopting it.

The Chairman.— I do not think it is. These men cannot answer that — what their intentions were. I do not know.

Q. At the time this provision was adopted in the State Constitution, do you know whether or not there was a strong public sentiment in favor of recall of elected officials? A. Why, at the time there was quite a public agitation all through the country for the recall.

Q. Of public officials? A. All public officials.

Q. And do you know whether this provision was supposed to be one of the forms of such recall of public officials?

Mr. Sutherland.— I object to that.

The Witness.— That's what it was.

Mr. Sutherland.— Wait a minute. All the witness can do is to tell what he himself supposes; not what somebody on the other side of the —

Mr. Hillquit.— He says he heard the discussion on the subject.

The Chairman.— Well, go on with your next question.

Q. You also stated, I believe, that within your personal knowledge, such resignation blanks had never been used within the party within the last ten years at least? A. To my knowledge, it has never been used in New York.

By Mr. Hillquit:

Q. In the state or in the city? A. Well, I would not say in the state. The state committee as such has never used them. I can state that as a member of the state committee. I can state that both New York and Kings County and the Bronx, for that matter — the Bronx was a part of that county — we never used them.

Q. Within your incumbency, or the period of your incumbency in office, have you ever had any resignation blanks of the form provided by the State Constitution of the Socialist, or in any other form? A. Never. The only form I ever saw was the one printed in the constitution.

Q. About how many candidates for public office does the Socialist party nominate annually in the County of New York? A. Why, we usually nominate a full ticket. Every office that is to be elected.

Q. And that means about how many in New York County? A. Why, varying, in the olden days, from 50 to, at the present time, about 40.

Q. Every year? A. Every year.

Q. And do you attend to all matters connected with such nomination and election officially? A. It is usually in my charge.

Q. Within the time, then, of your incumbency in office, the Socialist party has nominated hundreds of candidates in the county of New York alone; is that correct? A. Yes sir.

Q. And you have supervised all such nominations? A. Yes sir.

Q. Will you state whether, in a single case, any member of the party so nominated for public office was required to sign one of the resignations referred to in the state constitution? A. Why, we never asked anybody to sign it, and nobody ever did.

Q. And is there, or was there ever, within your term of office, on file in your office or elsewhere for the organization of the County of New York such a resignation? A. No sir.

Q. Within your incumbency in office, how many members of the Socialist party have been elected to public office on the Social-

ist ticket? A. Why, the first Socialist elected was Mr. London, Congressman in the 12th district.

Q. How many times was he elected to office? A. He was elected twice.

Q. Did he on either of these occasions sign or file with you a written resignation? A. He was never asked to do it.

Q. And never did? A. And never did.

Q. What other officials, public officials, did the Socialist Party elect in the county of New York? A. We elected in 1917 four Assemblymen, one Municipal Court judge and four aldermen.

Q. Did any of those sign a resignation or were they required to sign such resignation? A. No, sir.

Q. Who else did you elect next? A. In 1918 we elected one Assemblyman and in 1919 we elected two Assemblymen and two aldermen.

Q. Now, were any of these public officials so elected by the Socialist Party ever required to sign a resignation or did they ever sign a resignation? A. No, sir; they were never required or did they ever sign them.

Q. Was any member of this Assembly elected on a Socialist ticket either from the county of New York or from any other counties, based upon your knowledge as a member of the State committee, asked to or did he sign any such resignation? A. I can say that those coming from Greater New York who were elected on the Socialist ticket never were required or signed matter over with the members of the State committee to decide as to what way they shall vote; what would be the best way for them to vote. I don't know whether you call it instructions. We talked the whole situation over, and we thought as Socialists, as democrats, that on a question like this which concerns the population of the state, the population of the country, that the people affected should have a right to say whether they want prohibition or not, and our Assemblymen were requested to introduce a bill or vote for a bill that will submit the Eighteenth Amendment to a popular vote of the people of the State of New York.

Q. And they did so vote? A. I understand they did.

Q. Do you recall any other instances of instructions given by the party to its representatives in public office with reference to the public or official acts? A. That was the only one in my long career as a member of the State Committee.

Q. The elected Socialist officials were, however, were they not, expected to act in their respective offices in accordance with the

provisions of the platform of the socialist party? A. Yes, sir. If you will permit me, Mr. Hillquit, there is one thing that our elected officials do, and which gives them, perhaps, better instructions than any committee may, and that is, our assemblymen, during the session of the Assembly of the Legislature, or the Board of Aldermen, constantly — and Congressmen — frequently call meetings of the voters in the respective districts, and report to them what they are doing, and what the bodies in which they represent their constituencies do, and the voters suggesting, what they shall do, or discuss things.

Q. In addition to that, are Socialist elected officials of certain classes expected to meet together to discuss pending measures, to discuss their policy, to gather information upon the subjects pending before the legislature, or assembly, or council? A. Yes, sir.

Q. And within your knowledge, have they been doing it? A. Within my knowledge, they have.

Q. When I speak of Socialist officials of certain classes, I have in view concretely the aldermen. Socialist aldermen in the city of New York, and Socialist members of the Assembly here; with reference to such Board of Aldermen, have they been maintaining an information bureau? A. The Socialist aldermen in New York maintain a bureau and employ a director, whose business it is to study and do all the research work and accumulate all the necessary information for the aldermen in their capacity as aldermen in filling their office.

Q. That is for the intelligent discharge of their duties? A. Of their duties.

Q. Does the same apply to the members of the Assembly? A. It does.

Q. The constitution further provides for the unit rule; it provides that wherever there is a class of Socialist officials in one council or one assembly or one body, they should meet together, discuss pending or proposed measures, and vote upon them, if there is a difference of opinion, and accept the majority opinion? A. That is the provision in the constitution.

Q. Does that correspond to the practice of caucuses in other political parties?

Mr. Sutherland.— That question and answer escaped me. I want it read again.

(Question read by the stenographer as requested.)

Mr. Sutherland: I object to that, Mr. Chairman, on the ground that that is not a constitutional provision.

The Chairman: The constitutional provision is that they should act as a unit.

Mr. Sutherland: As a unit. Now, where they get their instructions is not stated in the constitution except under the general provision that they shall act under the instructions of the dues-paying membership.

The Chairman: Well, I will let that answer stand; but the next one is clearly incompetent.

Mr. Sutherland: The majority provision is not in the constitution, Mr. Chairman.

The Chairman.— I know it is not. It is simply an immaterial question as to how they got at it. It is like a caucus.

Mr. Hillquit: Well, I will admit that is rather unevidenciary.

By Mr. Hillquit:

Q. Now, Mr. Gerber, will you state whether the various provisions of the Socialist Party of the State of New York, with reference to which you have been examined, the rule for resignation, or advance resignation of candidates; of the unit rule, with reference to voting of Socialist officials; the rule with reference to instructions, and so on — whether all these provisions have been adopted by the party originally, prior or subsequent to the enactment of the Primary Election Law? A. Prior to the Primary Election Law.

Q. Do you recall when the Primary Election Law was enacted?

A. If I am not mistaken, I think it was first enacted in 1911.

Mr. Sutherland: I call your attention to the Primary Law of 1898. Your party was not then organized.

Q. I mean the direct Primary Law. A. There was a Primary Law as long as I can remember.

The Chairman: What year do you say it was?

The Witness: I think 1911 for direct nominations.

Q. You were then in office in the Socialist Party? A. I was.

Q. And since the law was enacted it become incumbent upon you, did it not, to provide with its provisions in behalf of the Socialist party in its various political campaigns? A. It is part of my work to see that nominations are made in accordance with the law.

Q. I shall now ask you, Mr. Gerber, whether, ever since the enactment of this law, — I mean the direct nominations law, the Socialist Party in the State of New York and in the County of New York have fully complied with the provisions of such law?

A. We complied with the provisions of the direct Primary Law in all its provisions, spirit, letter and everything.

Q. And have all nominations for public office since that time been made in accordance with the provisions of that law? A. Yes, sir.

Q. That means that nominations for office, or proposed candidates for office, after the enactment of that law, were voted upon by whom? A. Why the usual rule we pursue is that the Socialists in the district for which nominations are made are called together and they designate a candidate for the district for whatever office it is.

Q. As their choice? A. As their choice, and that is placed on the petition.

Q. Which petition? A. The designation petition as it is called.

Q. That is a petition which is required in order to enable the name of such candidate to go on the primary election ballot? A. We have to get three per cent of the enrolled Socialist voters in the district to sign it, and it is filed with the Board of Elections in the City of New York, or the State Secretary for state offices.

Q. And then? A. The enrolled Socialists on primary day vote for their candidates.

Q. Outside of the party which as a rule draws up such petitions and collects such signatures, do other persons, either members or not members of the Socialist Party, have the similar right and facilities to place in the Socialist primaries candidates for public office? A. Yes.

Q. So that the candidates for public office are determined not by the dues-paying membership of the party, but by the enrolled Socialists of the given district? A. Yes, sir.

Q. Is that correct? A. Yes, sir.

Q. What is the proportion of the dues-paying membership of the Socialist Party to the number of enrolled Socialists in the

county of New York? A. The total number of dues-paying members in New York county, as I stated before, is 5,568, whereas the total number of enrolled Socialist voters, in 1919, was 19,178.

Q. Roughly speaking about four times as large — A. Four to one.

Q. — as the number of dues-paying members? A. Yes, sir.

Q. And in the primary election law enrolled Socialists have a right to vote? A. Not only have they a right to vote, but we make it our business to circularize them and ask them to come out and vote.

Q. And the dues-paying member of the Socialist Party, if he is not enrolled as a Socialist voter, would not have such vote? A. He cannot vote.

Q. And assuming that all party members are also enrolled Socialist voters, when it comes to the choice of candidates, they constitute only about one-fourth of the number of persons who vote for Socialist candidates, is that correct? A. That is correct. I might say here there is something that perhaps you may not know Mr. Hillquit, or anybody may not know, that is something that we politicians know, that there is only about 20 per cent. of the enrolled members of any party that participate at the primary elections.

By Mr. Hillquit:

Q. We assume that. A. No, that is the official figures of the Board of Elections of New York; so we are not any worse off than the others.

Q. Now, I will ask you, Mr. Gerber: within your knowledge, has it ever occurred that a person not a member of the dues-paying organization of the Socialist Party has filed a petition for election in the primaries of the Socialist ticket as a candidate of the Socialist Party? A. Yes, sir.

Q. Would you name one instance? A. Why, the first instance we had was in 1916; when Assemblyman Cuvillier filed a petition as candidate for member of Assembly on the Socialist Party in the Thirtieth District of New York county.

Q. To file such a petition, Mr. Gerber, you say it required 3 per cent. of the enrolled Socialist voters? A. Yes, sir.

Q. Did you see the petition which you say was filed in behalf of Assemblyman Cuvillier in 1916? A. I did.

Q. How many names of enrolled Socialists voters did it contain? A. Fifteen.

Q. And was that a sufficient number? A. It was a sufficient number.

Q. And by whom was that petition executed? A. I think the young man that collected the signatures acted as a witness. I think his name was Goodman, some name like that. He was a painter by trade, and an enrolled Socialist.

Q. And did the petition contain in accordance with the requirements of the law, a statement by the candidate, Mr. Cuvillier, to the effect that he knew the person and vouched for him? A. Yes, there was a statement to the effect that Mr. Cuvillier knew the gentleman whose signature — knew him as required by law — for a certain number of years, as having been a resident of New York County, and of the election district for two years, and a man of good character, and so on.

Q. Now, the law, Mr. Gerber, permits a candidate to resign or decline such a nomination? A. Under the rules of the Board of Elections in New York, all candidates for nomination are notified by mail of their designation for public office as soon as the papers are filed, and then they have a certain length of time, five days, to decline.

Q. Did Mr. Cuvillier decline the nomination for the Socialist primaries in that district that year? A. He did not.

Q. Did his name appear printed on the primary ballots in the Socialist column? A. It did.

Q. As a member or candidate for the assembly? A. It did.

Q. And were you present when the vote was counted? A. I was not personally, but we had watchers in all the polling places in the 30th district.

Q. And the result was published subsequently? A. Why, it was not subsequently, but we got the result from the Board of Elections.

Q. Did Mr. Cuvillier receive any votes on the Socialist ticket? A. He had two.

Q. Two. (Laughter). And his opponent received more? A. Yes, Mr. Hedman, I think, had about 58.

Q. And thereupon was chosen as the Socialist candidate? A. Was declared the nominee of the Socialist party.

Assemblyman Cuvillier.— Mr. Berger, you are under oath, aren't you?

The Witness.— I am.

Assemblyman Cuvillier.— You said that my name appeared on the primary ballot as the Socialist candidate for member of the assembly, didn't you ?

The Witness.— Yes, sir.

Assemblyman Cuvillier.— That is all I wanted to know.

Mr. Hillquit.— You have known that.

Assemblyman Cuvillier.— That is what I want to know.

Mr. Hillquit.— Let us proceed.

The Chairman.— Proceed.

Assemblyman Cuvillier.— You are under oath now ?

The Witness.— I know what I am talking about, Mr. Cuvillier.

Assemblyman Cuvillier.— We will show you.

By Mr. Hillquit:

Q. If Mr. Cuvillier had received a sufficient number of votes in those primaries he would have been, would he not, the Socialist candidate for assembly in that district? A. He would have been.

Q. So that, under the operation of the primary law as it exists today, any person, whether a member of the dues-paying organization or not, may become a candidate of the Socialist party if he receives a majority of the votes of the enrolled Socialists in that district? A. Yes, sir.

The Chairman.— I could go in there and get a position on your ticket if I wanted to ?

The Witness.— Yes, sir.

The Chairman.— That don't necessarily make me a Socialist.

The Witness.— You would be the Socialist Party candidate.

The Chairman.— Yes; that is all.

By Mr. Hillquit:

Q. I wish to ask you whether you know of any instance in which a member of this Assembly actually did secure in that way the Socialist nomination? A. Why, I understand the member of the Assembly from the Essex county district was elected both on a Republican and Socialist Party ticket.

Q. And he was not a member of the dues-paying Socialist organization? A. Not that we know of.

Q. Have there ever been contests between Socialist Party members for public office? A. On one occasion. I think it was 1915, in the old Second Assembly district.

Q. On that occasion what happened? A. Well, one of the candidates got the majority vote and was nominated.

Q. But one was nominated first informally by the party organization? A. Yes.

Q. And the party organization secured the petition for him? A. A group of members of the particular district secured the necessary petitions.

Q. Then another party member of the same district secured an independent petition? A. Secured an independent petition.

Q. Both went on the ballot; one was elected and one defeated? A. One was nominated and the other defeated.

Q. Did the Socialist Party discipline the member who had run against the one officially nominated by the party? A. It did not.

Q. It admitted that it was his right to do so? A. By the fact we forgot about it, never talked about it when it was over.

Q. And in that case it was the enrolled Socialist voters who determined as to who should be the candidate; is that correct? A. Yes, sir.

Q. The Socialist Party, Mr. Gerber, is a party recognized by law, in that it has cast the requisite number of votes for its candidates, is it not? A. Yes, sir.

Q. How long has the Socialist Party been a legally recognized political party in the State of New York? A. Since 1900. Originally it was named the Social Democratic Party.

Q. That is, ever since its organization? A. That is, ever since its organization.

Q. And until this date? A. Yes, sir.

Q. And without a break? A. Yes, sir.

Q. The Socialist Party has been recognized as a legal party under the laws of the State? A. Yes, sir.

Q. In this testimony, Mr. Gerber, something was brought out with reference to an organization known as the International Revolutionary Socialist group. Do you know anything about that organization? A. Why, the first time I heard of it was when that letter was written.

The Chairman.—What letter was that?

The Witness.— It was a letter from some International Revolutionary organization, sent to Mr. Martens, if I am not mistaken.

Mr. Hillquit.— It is on page 945 of the record.

By Mr. Hillquit:

Q. Is that organization in any way connected with the Socialist party of New York? A. It is not.

Q. And you say you did not know its existence until you heard it mentioned in this proceeding; is that right? A. The first time I heard it was here.

Q. One more question, Mr. Gerber. In the preceding primary election — the last one — were there any contests for nominations on the Socialist party ticket? A. In 1917 there was a contest for nomination of justice of the Supreme Court by a gentleman by the name of Danaher. He was running on the Prohibition, Progressive, Independence League, Democratic, Republican, Socialist and every ticket in the field. He got a nomination on the Prohibition ticket. He was luckier than Mr. Cuvillier. Mr. Cuvillier got none.

Q. Now, any other contests? A. Why, last year, in 1919, we had a number of contests in all the counties, Manhattan, Bronx, New York and Brooklyn, by a group of people — the so-called Left Wing.

Q. And how did that contest result? A. Why, in New York and Bronx and in Brooklyn practically all the party candidates were nominated.

Q. Were there any non-members of the Socialist party adherents of the Left Wing, as you styled them, nominated in other parts of the State? A. Why, yes; various parts.

Q. And what position did the party take with reference to such nominations? A. Why, a number of our organizations were of the opinion that since these people were not members of the Socialist party that it should be utterly incumbent upon them not to support them; and the State Executive Committee decided, and sent out a letter to all the organizations that being as these people were not the nominees of the Socialist party, it was their duty to support them, just the same as if they were the nominees of the Socialist party.

Q. In other words, whether they would support them was a question in the Socialist party? A. Yes, and they were our candidates.

Mr. Hillquit.— That is all.

Cross-examination by Mr. Sutherland:

Q. Mr. Gerber, the National Constitution was revised within a year, was it not? A. At the September convention.

Q. Sent out for referendum — and the idea is to keep your Constitution up to date, is it not? A. Try to.

Q. You have heard this Secretary say that constitutions were not dead timber, but were kept up to date? A. Well, I was not here when he testified, but we try to keep it up.

Q. Now, listen to this: I find in article 9 of the National Constitution, and printed at page 1057 of this printed record here, the following clause: “(b) No member of the Socialist party shall, under any circumstances, vote in any political election for any candidate other than the Socialist party members, nominated, endorsed or recommended as candidates by the Socialist party, or advocate voting for them. To do so will constitute party treason and result in expulsion from the party.” Do you recognize that as the law of the party? A. Absolutely. That is why we sent that letter out through the State.

Q. I read to you from page 1067 of the printed record from the State Constitution, and you will remember that that has been looked over and revised every two years from the time your party was organized in 1900 down to 1918? A. Yes.

Q. When it was revised for the last time? A. For the last time.

Q. Now, I read from section 13 under “Suspension and Expulsion.” A member may be expelled from the party, or may be suspended for a period not exceeding one year for the following offenses:

“(b) For supporting or aiding in the election of a candidate for any office, in either a primary or final election of any other than the Socialist Party, or in opposition to the regularly selected candidates of the Socialist Party.” That is still the law, isn’t it? A. It is.

Q. I read from section f under that same heading: “For failing or refusing, when elected to a public office, or while acting as a delegate to an official party convention, 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 constitutions.” That is in full force and effect, isn’t it? A. Yes, but, judge, if you will notice, it speaks about conventions there. We have no conventions any more.

Q. Then I am willing to leave that out; I am willing to ignore the clause regarding your votes in the convention; with that exception the clause — A. It stands in the constitution; I know it is there.

Q. And that receives the respect of your party, doesn't it? A. It is in the constitution. There are a lot of dead letters there.

Q. Your party believes in the principle, doesn't it, that a public official should carry out the instruction of the dues-paying members of his organization? A. We believe in the principle that a public official should carry out the wishes of his constituency.

Q. Pardon me, I am asking you the direct question.

The Chairman.— That isn't a fair answer.

Q. Based upon your constitutional provisions that I have read to you.

The Chairman.— Answer it yes or no.

A. The principle recognized by our constitution is that the elected official should be responsible to the constituency that elects him.

The Chairman.— You may strike that answer out.

The Witness.— Excuse me, Mr. Chairman, just a moment; as long as the constituencies have no power to recall their elected officials, we believe that the political parties who do control the officials elected on their ticket should have the right to make their candidates carry out platforms on which they were elected.

Q. Now, as a matter of identifying the specific organization or the people that have the right to give those instructions, which instructions the public official is required to obey, that organization is the dues-paying members, isn't it? A. It is.

Q. So that your rules provide that if the official elected to public office does not carry out the instructions given to him by the dues-paying members he should be expelled from the Socialist party; now, that is the letter of the law? A. That is the letter of the law; he can be expelled from the Socialist party.

Q. Now, the matter of filing in advance a written resignation, you say, has not been actually enforced? A. Not to my knowledge.

Q. Why do you carry it in your State Constitution when you do not enforce it, or intend to enforce it? A. I suppose Socialists

are somewhat like all other human beings. We carry a whole lot of blue laws in our Code in the State of New York, and in many other States, that are never enforced.

Q. Didn't you hear Mr. Lee testify that the reason why, in April, 1917, you struck out from your National Constitution the provision forbidding the use of sabotage, was that the occasion for its presence in the Constitution had passed away, and that it was the policy and practice of your party in all such cases to eliminate from the Constitution those clauses that were no longer applicable or useful? A. When we think of them —

Q. Did you hear Lee say that right in the chair that you are now occupying? A. I was not here when he testified, but if you ask me the question I will give you an answer.

Q. Very good. Why, in your revision, in 1918, did you keep in your State Constitution this provision requiring the member of the party who was nominated or appointed to a public office to file a written resignation? A. Because nobody thought of taking it out. It is the same as the provision relating to conventions. Nobody thought of taking it out.

Q. But the principle of responding to the request or dictate of the dues-paying member is a live and active recognized principle to-day, isn't it? A. I don't know whether you would call it live and active; I don't consider anything being alive and active when it doesn't act.

Q. It is a rule in your party? A. It is a rule in the Constitution.

Q. And when a man joins your party he has to sign a written pledge to obey the rules and the Constitution of your party, doesn't he? A. They do.

Q. Now, going back to the subject of the numerical proportion of foreigners and citizens in your dues-paying membership, you said, I believe, that you had a recent careful examination made of the Finnish membership cards to ascertain how many members of the Finnish local were American citizens? A. Yes, sir.

Q. What was your answer? A. I asked the secretary of the Naturalization Bureau of the Finnish branch —

Q. What was the number? A. The number was 197.

Q. 197? A. Yes.

Q. Now, I see here in this compilation made by Mr. Morris' company that in the Finnish local there were 27 cards denoting that the applicant was a citizen? A. That is correct.

Q. 129 cards stating that they were not citizens, and 366 cards that were blank. Now, when you went over the membership of this Finnish local, you ascertained that out of all of them there were 197 that were citizens of the United States? A. I did.

Q. The balance of them were not citizens? A. Yes, sir.

Q. That would make them a large proportion of your non-citizens, would it not? A. Yes, sir.

Q. If we add together 27, 129 and 366, you would have the denominator, and then use 197 for the numerator, and you have got the fraction. The citizens are 197 and the non-citizens the balance? A. Yes, sir.

Q. What did you learn as to the other cards where they did not show whether the applicant was or was not a citizen of the United States? A. You mean what proportion?

Q. Yes, what proportion of those blanks on the other locals aside from the Finnish, are the applications of people who really are citizens? A. In the political branches, the Assembly district branches, fully 50 per cent. of those are active born Americans, who do not think about answering the question whether you are a citizen or not; they merely put down, opposite the question, "How long have you been in the United States"? "All my life," or "27 years," and their age is 27, and so on. They leave the space blank. The enumerators that did the work for the Attorney-General's office didn't look in that column, but in the column headed, "citizen or not."

Q. Do those cards show whether they are citizens or not citizens? A. They do not, but when you look in the last column, where there is a question, "How long in the United States," and when the person says he was born here, and he is 27 years of age, that would show he was a citizen.

Q. That would be a good guess, certainly, that is so. Do you say that while you have been a member of the State Committee the Committee has never attempted to enforce the clause of the State Constitution requiring filing of a resignation? A. Yes, sir.

Q. Were you a member of the state committee which acted on the case of the Schenectady local? A. I was.

Q. Is this the history of that matter: that during Mayor Lunn's second time as Mayor he failed to obey the directions of the Schenectady local with regard to some appointment, and that the Schenectady local then did not expel him, but because it did not expel him, the Schenectady local was expelled from the Socialist

party by the state committee? A. That is not exactly the history of that case.

Q. Wasn't the Schenectady local disciplined by the state committee for not expelling Mr. Lunn? A. It was.

Q. There is a provision of the state constitution, is there not, that empowers the state committee to expel from the party any local branch which fails to discipline a public officer for not obeying the dictates of the dues-paying members? A. There is no such provision, Judge.

Q. Isn't there? A. There is a provision that empowers the state committee to discipline any organization that does not discipline any of its members for a violation of the constitution, and embezzlement of funds. It makes no specific provisions as to public offices.

Q. That is not confined to embezzlement of funds? A. I said a violation of the constitution, embezzlement of funds and many other things that come within that provision.

Q. Wasn't it for the refusal of the Schenectady local to expel Mayor Lunn that the Schenectady local was expelled from the party by the state committee? A. Why, no, that was not the reason.

Q. Well, what was the reason that you expelled the Schenectady local? A. The Schenectady local was reorganized mainly and principally for the reason that a fight had arisen in the organization and there were two factions there, and the state committee took the matter up and tried to bring peace and harmony there. Failing to do so, the whole organization was reorganized.

Q. The trouble in the Schenectady Local arose out of the fact that the Mayor refused to carry out its orders? A. No, the trouble originated with Mayor Lunn in failing to live up to the constitution of the party.

Q. In what respect? A. In the respect that in making appointments to public office that such appointments should be made for the best interests of the citizens and not to fulfill political promises.

Q. Was it not because he did not follow the judgment of the Schenectady Local in that respect that the trouble arose in the Schenectady Local, as a result of which trouble the Schenectady Local was expelled by the State Committee? A. Why, the trouble between the Schenectady organization and Mayor Lunn was on before Mayor Lunn was nominated.

Q. Well, you do not want us to doubt Mayor Lunn's veracity in respect to what he said about the history of it? A. No, you

do not have to doubt Mayor Lunn's veracity, nor you do not have to doubt mine, because I have no political ax to grind.

Mr. Hillquit. — This witness testified with the same degree of responsibility as any other witness. I object to the question, Mr. Chairman.

The Chairman. — They have got by the question and answer. They are discussing one with another now.

Mr. Sutherland. — That is all, Mr. Chairman. I have no further questions.

Redirect examination by Mr. Hillquit:

Q. Mr. Gerber, in our policies and constitutional provisions do we or do we not proceed upon the assumption that political parties are sponsors for public officials elected on their platform and running on their ticket?

Mr. Sutherland. — I object to that, Mr. Chairman. We are dealing with written constitutions and specific pledges.

The Chairman — I am going to exclude it, and say that the Chair is quite familiar with the action of political parties.

Mr. Hillquit. — That will satisfy us entirely.

Q. Does the Socialist Party claim the absolute right to discipline members for infraction of its rules, as any other political organization?

Mr. Sutherland. — I object to that on the ground the written constitution is very clear on that subject.

The Chairman. — Excluded.

SEYMOUR STEADMAN, called as a witness, being first duly sworn, testified as follows:

Direct examination by Mr. Hillquit:

Q. Your name, sir? A. Seymour Stedman.

Q. Where do you reside? A. No. 1108 East Marquette Road, Chicago.

Q. What is your business or profession? A. The Supreme Court says I am a lawyer.

Q. Mr. Stedman, as such, have you been connected with any cases under the Espionage Law in which members or officials of the Socialist Party were defendants? A. I have been associated in about twenty-five.

Q. Will you name the principal ones, please? A. Conspiracy case in Grand Rapids, in which the National Secretary was involved, some eleven defendants, "The Masses" case, Nearing case, Debs case, case against Eastman Floyd, Dell, Art Young, Debs case, Stokes case, Lapinsky, Firth case, Wagner and Berger, Engdahl, Kruse — that's enough to start it.

Q. Germer? A. Germer — defendant Germer twice — once in what is known as the Berger case, and in Grand Rapids, Mich.

Q. Of these names you have mentioned, all these names are those of members or officials of the Socialist Party, are they not? A. Yes, there may be one or two who are not members in some of these cases.

Assemblyman Cuvillier. — You said "Germer." Was that the last witness who was on the stand?

The Witness. — Adolph Germer.

Q. Mr. Stedman, are you familiar with the indictments or charges in each of these cases? A. I am.

Q. Will you state very briefly the basis of the indictment in the case against Eugene V. Debs?

Mr. Sutherland. — I object to that on the ground it is a matter of record. Now, it is important to know what that is. I am going to have that record here Monday or Tuesday.

The Witness. — Will the printed transcript satisfy you, sir?

Mr. Sutherland. — Yes, sir.

Mr. Hillquit. — We are perfectly willing to introduce the records in all cases, but I do want to state, Mr. Chairman, that the record in each case, of necessity, is a very long, involved record. In the Debs case it is over 300 pages. In the other cases it is correspondingly long. What I propose to prove by this witness is a very simple fact, and that is, in view of the testimony brought out here, that a number of Socialist Party members and leaders have been convicted under the Espionage Law and the assertion further that the basis of such conviction was the St. Louis resolution of the Socialist Party, which I believe Judge

Sutherland said or Mr. Conboy said the Supreme Court has held to be a violation of the Espionage Law — in view of these statements I want to establish very briefly these facts, first, that in each case the indictment and conviction were based upon the utterance of a certain opinion, written and oral, and not upon the commission of any physical act. Second, that in no case was the St. Louis resolution or any other pronouncement of the party held by the court to have been a violation of the Espionage Law per se. Third, that in all cases, with the exception of the case of Debs, an appeal is pending. Now, I respectfully submit we can have these witnesses characterized in two or three sentences, the offense in each case, and leave the record to the other side to verify it.

(Discussion off the record.)

The Chairman.— I don't think I will allow it.

Mr. Hillquit.— Then we shall have to introduce the record.

Mr. Sutherland.— It doesn't have to be printed, your honor.

The Chairman.— I will let them introduce the record and have it marked for reference. It won't be a printed document.

Mr. Sutherland.— Read such parts as we think ought to go in the record.

Mr. Hillquit.— Perhaps counsel will agree on this: in each case of conviction under the Espionage Law of those Socialists mentioned in the record as having been so convicted, the charge was based upon oral speeches or writings and in no case based upon the alleged commission of physical acts of obstruction to the war.

Mr. Sutherland.— I don't suppose there will be any difference of opinion on that subject after I have examined that Debs record. I haven't supposed that Debs went out and tore down an enlistment building or set fire to some army camp or something like that. I thought Debs was convicted for standing up and urging the people within the sound of his voice to refrain from supporting their government during the war and gave the reasons why they should refuse to support their government in its effort to successfully prosecute the war. But I want to have the right to go through that record and point out to the Committee the things that he was convicted for. Now, I am perfectly willing that Mr. Hillquit should have that marked as an exhibit, and it isn't necessary to print it all.

The Chairman.— Then examine Mr. Stedman from that.

Mr. Sutherland.— Let it be marked as an exhibit.

Mr. Hillquit.— All right, we will have it marked.

(The book was received in evidence and marked Assemblymen's Exhibit No. 6.)

By Mr. Hillquit:

Q. Now, Mr. Stedman, referring to Assemblyman's Exhibit No. 6, and to your personal knowledge of the case, will you please state what was the basis of the indictment against Eugene V. Debs? A. A speech made on the 29th of June, 1918, in Canton.

Q. And the speech is printed in the record? A. It is.

Q. In full? A. It is.

Q. Was it charged that Eugene V. Debs had committed any physical act to obstruct or hinder the military operations of the United States in connection with this war? A. No, and that is equally true of the 25 cases —

Mr. Sutherland.— I object to this "equally true." This is not called for by the question.

The Chairman.— Strike it out.

By Mr. Hillquit:

Q. Will you please state if, in any one of the cases in which you so acted as counsel for socialist defendants under the Espionage Law, there was ever a charge of any of these defendants having been in the service or in the employ of the enemy, or paid by the enemy? A. No.

Q. Will you please state whether, in any of such cases, there was a charge that the defendant had committed a physical act of obstruction or hindrance to the military operations of the United States during the war? A. No.

Q. Will you please state whether, in any of such cases, there was any charge other than that these defendants had made speeches or written articles which, in the opinion of the Grand Jury, and subsequently of the Court, have the effect of obstructing or hindering enlistments or recruiting, or otherwise violating the Espionage Law? A. Mr. Hillquit, I ought to discriminate between one case and the other, if I may.

Q. Please do? A. A charge of conspiracy in a case in Detroit, under Section 37 — formerly 5440 — of Conspiracy — in that case the evidence there showed that a circular had been issued with the language, “Refuse to Register” — a direct advice given. In that case there was a verdict of not guilty. In no other case was there any evidence of anything except the expression of an opinion or a circumstance which, it is contended, might influence the mind of a prospective recruitant or affect the mind of a person in the service. In the Debs case, the counts were all dropped, which were based upon the amended acts. The Espionage Act as originally adopted, was amended in May or March, 1918. The original act was adopted on June 15, 1917.

Q. Mr. Stedman, are you familiar with the opinions delivered in connection with any of these cases delivered by the trial judge or by the Appellate Court upon appeal? A. I am.

Q. With all of them? A. I am.

Q. Does any one of such opinions hold that the St. Louis resolution adopted by the Socialist party in 1917 per se is a violation of the Espionage Law.

Mr. Sutherland.— Mr. Chairman, I object to that. There are some opinions we want to present to this committee.

The Chairman.— I do not think we will allow that.

(Discussion off the record.)

Mr. Hillquit.— So that the record will have it that while Mr. Hillquit denies Judge Sutherland’s assertion that the Supreme Court of the United States decided that the anti-war proclamation of the Socialist party in 1917 was illegal or a violation of the Espionage Law, the Chair will not permit the question on that point as evidence.

The Chairman.— In all events, we will look it up ourselves. You gentlemen can argue all the opinions in your summing up.

Q. Let me ask you a parting shot, Mr. Stedman. In how many of the cases mentioned by counsel for the committee as affecting Socialist party members or leaders under the Espionage Law, has final judgment or discussion been rendered? A. In the Debs case.

Q. Is that the only one? A. The only one.

Q. All the others are pending? A. The Firth case was affirmed and they were sentenced to six months in the county jail, but that was not under the Espionage Act but Section 37 of the Conspiracy Act.

Mr. Sutherland.— What Firth was that?

The Witness.— Edwin Firth.

Mr. Sutherland.— Our old friend who wrote the letters?

The Witness.— Yes. At that time he was in West Virginia.

By Mr. Hillquit:

Q. That was not under the Espionage Law? A. That was not.

Q. The only final decision under the Espionage Law was —
A. Debs is the only one which has been affirmed.

Q. And all the other cases are pending on appeal or reversed.

A. Or reversed.

Mr. Sutherland.— Let me clear up one thing between us. What I said or intended to say was this: that in the opinion in the Debs case the court referred to Mr. Debs' support of the St. Louis platform and manifesto as evidence of his intention in making the speech on which he was indicted of obstructing and hindering the prosecution of the war by the United States, or obstructing or hindering enlistment, and the borrowing of money. I told the committee I intended to bring that opinion in and read it when we were winding up this case. That is the time when we want to bring that opinion in here and discuss its relation or observations on the St. Louis platform. I am not putting my judgment in evidence here at all. I only announce that is the claim we are going to make.

The Chairman.— Any cross-examination?

Mr. Sutherland.— I don't think so.

Q. Just what was Firth indicted for, Mr. Stedman? A. Firth and Green and two other boys working in a pottery factory issued leaflets and distributed them containing Daniel Webster's speech in which he opposed conscription and in circulating this it was contended that the effect was to predispose the mind of the reader against voluntary enlistment.

Q. Is there a record made of that conviction? A. There is a record made of it.

Q. Can we get that? A. I don't know. I haven't it here.

Mr. Hillquit.— What case is that?

The Witness.— The United States against Firth.

Mr. Sutherland.— And what district court was he convicted in, West Virginia?

The Witness.— Yes, West Virginia. It went to the Court of Appeals in Richmond.

Mr. Sutherland.— It went to the Richmond Circuit Court of Appeals?

The Witness.— It did.

Mr. Sutherland.— When was the affirmance?

The Witness.— A year ago, at least.

Mr. Sutherland.— Did they write an opinion?

The Witness.— They did; a beautiful one, too.

Mr. Sutherland.— It is in the Federal Reporter?

The Witness.— Yes.

(Discussion off the record.)

By Mr. Hillquit:

Q. As an expert on the Espionage Law will you state whether the truth is a defense to a charge under the Espionage Law?

A. It is not.

Mr. Sutherland.— That is a question of law. I ask that the answer be stricken out.

The Chairman.— Objection sustained.

The Chairman.— I think we better adjourn until 10:30 Tuesday morning.

(Whereupon, at 6:10 P. M., the Committee took a recess until Tuesday, February 24th, at 10:30 A. M.)

ASSEMBLYMEN'S EXHIBIT No. 5

PERLEY MORSE & COMPANY
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SAMUEL A. BERGER, DEPUTY ATTORNEY-GENERAL

2-20-20

Re Classification of Members of Socialist Party in Good Standing as of January 29, 1920, made from Card List of Members at Rand School, 5 E. Seventeenth Street, such Card List having been identified for us by Mr. Gerber, Secretary of the Party.

| | Citizens. | Not citizens. | No data. |
|------------------------------|-----------|------------------|----------|
| 1st Assembly District | 172 | 29 | 10 |
| 2d Assembly District | 159 | 30 | 5 |
| 3d Assembly District | 26 | 5 | 12 |
| 4th Assembly District | 162 | 72 | 4 |
| 5th Assembly District | 6 | 1 | 1 |
| 6th Assembly District | 489 | 87 | 36 |
| 7th Assembly District | 66 | 7 | 12 |
| 8th Assembly District | 282 | 103 | 53 |
| 9th Assembly District | 112 | 10 | 8 |
| 10th Assembly District | 80 | 1 | 5 |
| 11th Assembly District | 29 | 9 | 9 |
| 12th Assembly District | 124 | 5 | 9 |
| 13th Assembly District | 40 | 3 | 14 |
| 14th Assembly District | 108 | 7 | 14 |
| 15th Assembly District | 67 | 11 | 12 |
| 16th Assembly District | 229 | 31 | 34 |
| 17th Assembly District | 377 | 43 | 31 |
| 18th Assembly District | 171 | 19 | |
| 19th Assembly District | 168 | 31 | 36 |
| 20th Assembly District | 54 | 7 | |
| 21st Assembly District | 149 | 32 | 1 |
| 22d Assembly District | 131 | 9 | 1 |

| | Citizens. | Not citizens. | No data. |
|-------------------------------------|-------------|------------------|-------------|
| 23d Assembly District | 41 | 3 | |
| Italian Branch | 13 | 4 | 8 |
| German Branch, Manhattanville..... | 110 | 40 | 2 |
| German Branch, Yorkville..... | 95 | 21 | 7 |
| Jewish, 2d Assembly District..... | 33 | 14 | 9 |
| Jewish, 4th Assembly District..... | 146 | 29 | 35 |
| Jewish, 8th Assembly District..... | 47 | 7 | 14 |
| Jewish, Harlem Assembly District... | 19 | 46 | 14 |
| Bohemian | 19 | 45 | 32 |
| Finnish | 27 | 129 | 366 |
| Slovak | 23 | 92 | 13 |
| Ukranian | 6 | 5 | 5 |
| | <hr/> | <hr/> | <hr/> |
| Total | 3,780 | 987 | 812 |
| | <hr/> <hr/> | <hr/> <hr/> | <hr/> <hr/> |

STATE OF NEW YORK — ASSEMBLY CHAMBER

In the Matter of the Investigation by the Assembly of the State of New York as to the Qualifications of Louis Waldman, August Claessens, Samuel A. deWitt, Samuel Orr and Charles Solomon to Retain Their Seats in Said Body.

THE CAPITOL,

ALBANY, N. Y., *February 24, 1920.*

Present:

Hon. Louis M. Martin,
 Hon. George H. Rowe,
 Hon. James M. Lown,
 Hon. Edmund B. Jenks,
 Hon. Edward A. Everett,
 Hon. William W. Pellet,
 Hon. Edward J. Wilson,
 Hon. Charles M. Harrington,
 Hon. Harold E. Blodgett,
 Hon. Theodore Stitt,
 Hon. Louis A. Cuvillier,
 Hon. Maurice Bloch,
 Hon. William S. Evans.

Appearances:

For the Judiciary Committee:

Charles D. Newton,
 John B. Stanchfield,
 Arthur E. Sutherland,
 Elon R. Brown,
 Martin Conboy,
 Samuel E. Berger,
 Archibald E. Stevenson,
 Henry F. Wolff.

For the Socialists:

Morris Hillquit,
Seymour Stedman,
S. John Block,
Gilbert E. Roe,
William S. Karlin,
Walter E. Nelles.

LOUIS M. MARTIN, Chairman.

(The Committee met pursuant to adjournment at 10:45 A. M.)

Mr. Sutherland.—At page 1559, on the fifth line, I was reading to the witness, and the words “given enemies” in the fifth line should be “common enemy,” instead of “given enemies.”

Also, in a quotation from Kautsky—I have not the precise page here, but the full quotation from Kautsky which was incorporated in the question is this: “The worst enemies of the working class are the pretended friends who encourage craft unions.”

I want to ask Mr. Stedman some more questions when the proper time comes. Would you rather have me do it now?

The Chairman.—I think Mr. Stedman was on the stand last.

Mr. Hillquit.—Yes.

The Chairman.—Very well; Mr. Stedman will be recalled.

SEYMOUR STEDMAN, recalled, testified as follows:

Cross examination (continued) by Mr. Sutherland:

Q. Mr. Stedman, in the Assemblymen’s Exhibit No. 6, transcript of record in case of Debs, Plaintiff in Error, against the United States of America, I note that certain records were introduced in evidence at the trial of Mr. Debs, which are not printed in the record on appeal, namely—A. Stokes and Kate Richards O’Hare.

Q. Yes; Stokes and Kate Richards O’Hare and the Baker conviction—three defendants convicted together. A. Baker, Wagenknacht and Berger.

Q. From the brief which you were kind enough to let me examine, used in the Supreme Court of the United States on this appeal, I take it that the remarks of the United States District

Attorney, in summing up the case, in which he read to the jury from the indictments in those cases, or made statements to the jury as to what the indictments were for, was accepted by you in lieu of printing the documents themselves, concerning those convictions. Am I right about that, Mr. Stedman? A. No, I think that is a mistake. The records in both cases — in all three cases — were offered in evidence and are a part of the record.

Q. I don't find in this printed record the reprint of those exhibits? A. Correct. Where you prepare an appeal to the Supreme Court from that district you present it in narrative form.

Q. Yes. A. And just a terse statement of the fact. You will find I think in there the statement of fact upon which the Stokes' indictment was based. Likewise one in the case of Kate Richards O'Hare, the Becker case, and also the reference made to them by Mr. Debs.

Q. Yes, sir. Is this the language which Kate Richards O'Hare was charged with using in a public meeting and upon which charge she was convicted? A. I had rather have you divide that question. She was charged with using.

Q. Is this the language with which she was charged with using in a public meeting in the indictment of that case:

“Any person who enlisted in the army of the United States for service in France would be used for fertilizer and that is all that he was good for; and that the women of the United States were nothing more or less than brood sows to raise children to go into the army and to be made into fertilizer.”

Q. Is that the language which she was charged with using by the government in that case? A. That is the charge in the indictment.

Q. Yes. She was convicted, wasn't she? A. She was.

Q. On the trial of that case? A. Yes.

Q. Have you here so that we can refer to it the testimony and proceedings on her trial?

Mr. Nelles.— I have it at the hotel.

Mr. Sutherland.— So we can refer to it. Thank you very much, Mr. Nelles.

Q. I call your attention to the statement made by Mr. Debs in his speech at Canton, which was the basis of his conviction —
A. Indictment.

Q. — Indictment, that on the trial of Kate Richards O'Hare only one witness was called, and he was a hired witness, and that 30 farmers came to Bismarck and attended the trial who were prepared to swear that they heard the speech in question made by Kate Richards O'Hare, and that she did not use the words imputed to her in the indictment, and that the judge presiding at the trial refused to allow these men to be sworn as a witness. Now, Mr. Stedman, who was the judge that presided at that trial? A. Judge Wade, I assume. That, of course, is from the record. What I am stating now is hearsay.

Q. I am going to ask you, Mr. Stedman, did Judge Wade refuse to allow a witness to be sworn who was ready to say that the defendant did not use the words with which she was charged in that indictment?

Mr. Hillquit.—Now, Mr. Chairman, if you please, I object to the question, not on the ground that Mr. Stedman is not properly qualified to answer the question. I would stand for hearsay, but I object to the question on the ground that it takes us so far afield that I think by the most ingenious exertion of one's power of imagination a connection could not be made along these lines and the issue involved in this proceeding. I do say, solely in the interest of economy of time and orderly procedure, we, on our part, are determined to get through with what remains of this proceeding as rapidly as possible. If questions of this kind, namely, as to whether Eugene V. Debs, who is not a party to this action, in his defense made a certain statement in court which statement was or was not in the opinion of this witness correct,—If testimony of this kind is to be admitted, I cannot foresee the end of this proceeding at all.

Mr. Sutherland.—Mr. Chairman, may I state, in one paragraph, the object of this question? Mr. Debs is acclaimed as a typical Socialist, representing so perfectly the attitude of the party toward the government; embodying so completely the ideas of the Socialist party, that they propose to nominate him for President this year. Now, I want to show, before we get through, why Mr. Debs was convicted and why he is now serving a term in the penitentiary. I want to show that he, in June, 1918, while the heart of this country was turned toward the boys across the sea, and those who were about to go, with anxiety

unspeakable, Mr. Debs stood up in a public audience in Canton, Ohio, and reviled the government, threw scorn and contempt upon the proceedings which we were making then to defend our honor as a nation, and used words calculated to prevent the enlistment of troops and calculated to obstruct and hinder the government in the successful prosecution of the war, among other things saying that Kate Richards O'Hare, an innocent woman, was convicted in Bismarck of uttering words that she never spoke; that the proof against her was given by a single witness hired by the government; that thirty farmers were there who heard her speech and were prepared to say that she never spoke those words, and that the judge on the bench, a tool of plutocracy, would not permit those witnesses to be sworn, even, in the case. He said that to a crowd of people in Canton, Ohio. He pointed across the street, to the penitentiary —

Mr. Hillquit.— I object, if Your Honor please. This is counsel testifying.

Mr. Sutherland.— It is in the record.

Mr. Hillquit.— You are not reading from the record.

Mr. Sutherland.— It is in the record which has been introduced.

Mr. Hillquit.— I object to counsel quoting any alleged facts in evidence.

The Chairman.— What is the question?

(Question read by reporter).

The Chairman.— The trouble about it is that I do not think Mr. Stedman was there to testify, was he?

Mr. Hillquit.— He was not; but outside of all that, are we not bound by some sort of limits; and will Judge Sutherland, on every occasion when he asks an irrelevant question, make a patriotic speech?

The Chairman.— I am going to let him prove the speech of Debs, if he wants to; but I do not see how you can prove it by Mr. Stedman.

Mr. Sutherland.— Mr. Stedman is familiar with this line.

The Chairman.— Let Mr. Stedman answer the questions.

Mr. Sutherland.—Mr. Nelles has the printed record here. If the printed record on appeal is here I would rather have that record.

Mr. Hillquit.—With the consent of Mr. Nelles, we will not produce this printed record nor any other record of any case involved in these issues.

The Chairman.—Objection overruled. Go on with your question.

The Witness.—I don't think that is technically an accurate statement.

By Mr. Sutherland:

Q. Is it practically an accurate statement? A. In effect very largely so, yes.

Q. Do you mean to say, Mr. Stedman— A. I mean to say that the politicians in that town—

Q. Now, wait a minute. Please let me ask the question. Now, do you mean to say that the judge who presided at that trial declined to permit a witness who was present and heard that speech testify that the defendant did not use the words for which she was indicted?

Mr. Hillquit.—I object to that. It isn't a question as to whether this witness believes that the judge did or did not in a certain trial exclude certain testimony.

The Chairman.—Objection overruled.

Mr. Hillquit.—I take an exception.

The Witness.—I have answered that.

Mr. Sutherland.—Now, I ask you again. You said technically—

The Witness.—Whether I believe he would do it.

Mr. Sutherland.—No, I didn't say that. Did he do it?

The Witness.—I will say this: The record does not show that.

By Mr. Sutherland:

Q. Who was the attorney that represented Kate Richards O'Hare? A. Mr. Lovett.

Q. Is he a lawyer of experience? A. He is.

Q. And ability? A. I regard him a very good lawyer.

Q. And if any such thing as that had happened on the trial of Kate Richards O'Hare the counsel would no doubt have seen to it that that went into the record on appeal? A. I can give you no such assurance as that. I know Judge Wade too well.

Q. Now, do you mean to leave the impression that Judge Wade actually did decline to receive any evidence from witnesses to the effect that Kate Richards O'Hare did not say the words imputed to her? A. I do not mean to so state.

Q. Now, were you counsel in the case of Baker and two others? A. I was not.

Q. Did you state here Friday that they were convicted for aiding and abetting some one else refusing to register? A. They were not convicted under the Espionage Law. They were convicted under section 37, formerly 5440, of the General Conspiracy section of the United States statutes, and it grew out of a leaflet which was found in their possession in their headquarters gotten out by a man named Hennessy which was worded "Refused to register," and Mr. Hennessy distributed quite a number through Ohio and through West Virginia and they were charged with conspiracy, based upon that circular. I think that section reads, "To defraud the government," the theory being it would deter persons from enlisting.

Q. What was the title of the circular? A. "Refused to register."

Q. Yes. A. I think the next language was: "Others are with you."

Q. Was there any appeal taken from the conviction of those three persons? A. There was.

Q. And has that appeal been decided? A. It has.

Q. What was the result of the appeal? A. Affirmed.

Q. And what court was the appeal heard in? A. I cannot tell you. I don't remember the number; I think Cincinnati.

Q. Were you counsel — A. I was not.

Q. — in the case of Rose Pastor Stokes? A. In that case I was.

Q. Have you a copy of the record in that case? A. I have not. I have at the office but not here.

Q. The record in this Debs case is not entirely clear. A. I think I have a brief, however.

Q. Will you refer to it so we can see just what language she was charged with using? A. Yes. Will I read it?

Q. If you please. A. In the indictment the language upon which it is based is as follows:

“To the ‘Star:’

“I see that it is after all necessary to send a statement for publication over my own signature and I trust you will give it space in your columns. A headline in this evening’s issue of the ‘Star’ reads, ‘Mrs. Stokes for government and against war at the same time.’ I am not for the government. In that interview that follows I am quoted as having said, ‘I believe the government of the United States should have the unqualified support of every citizen in its war aims.’ I made no such statement. I believe no such thing. No government which is for the profiteers can also be for the people and I am for the people while the government is for the profiteers.

“I expect from the working class point of view to receive no sympathy from your paper, but I do expect that the traditional courtesy of publication by newspapers of the signed statement of correction, which even our most bourbon papers grant, will be extended to this statement.

“Yours truly,

“ROSE PASTOR STOKES.”

Q. Was she convicted? A. She was; and sentenced to ten years.

Q. Has the appeal from her conviction been argued yet? A. It was argued last March, on the 12th.

Q. Has it been decided? A. It has not.

Q. In what court was that argued? A. The Eighth Circuit.

Q. Where does that sit? A. St. Paul is where it was argued; that Circuit sits in St. Paul, St. Louis and Denver.

Mr. Sutherland.—Now, Mr. Nelles offered to produce the record in the case of Kate Richards O’Hare. The Committee heard what Mr. Hillquit said later with reference to his not producing this record. I would like to have it in court here so that the Committee can see that no such thing occurred on the trial of that action, as Mr. Debs stated to the multitude in Canton did occur on that trial.

Mr. Hillquit.—The record is not here at this time. I repeat, Mr. Chairman, I shall not voluntarily, from this moment on,

produce any record or matter which we consider absolutely irrelevant, and which has a tendency of dragging on this hearing indefinitely.

The Chairman.— If Mr. Stedman and yourself were laymen, why I possibly would not be as liberal, but I believe you gentlemen are perfectly able to take care of yourselves on cross examination.

(Discussion off the record).

The Chairman.— I will take care of it. I will issue a subpoena for that document at 2 o'clock.

Mr. Hillquit.— I shall comply with the subpoena.

Mr. Sutherland.— Then I will suspend any further questioning of Mr. Stedman at this time.

Mr. Sutherland.— There is another matter which we wish to question Mr. Stedman about a little later, but we are not prepared to now.

Redirect examination by Mr. Hillquit:

Q. With reference to the questions already asked you, Mr. Stedman, will you please state, first, whether from the reading of the record of the Kate Richards O'Hare trial, you knew whether the defendant in that case, Kate Richards O'Hare, admitted the use by her of the language imputed to her in the trial? A. No, she denied it and her witnesses, who were produced, denied it.

Q. Did Kate Richards O'Hare, or anybody in her behalf, in the course of the trial, attempt to justify that language? A. None.

Q. Did Mr. Debs, in his speech, adopt, or in any way give approval, to the language as quoted in the indictment? A. He repudiated the use of it, and I would like to read his testimony.

Mr. Sutherland.— Mr. Chairman, I am going to read Mr. Debs' speech in full, and that will show it.

The Witness.— I am going to read a portion of it right now: "The other day"—

Mr. Sutherland.— Let us have the page he is reading from, please?

(Witness looks for page, but is unable to find same).

The Witness.— I will give you the page in a few moments:

“ Why, the other day they sent Kate Richards O’Hare to the penitentiary for ten years. Oh, just think of sentencing a woman to the penitentiary for talking (laughter). The United States, under the rule of plutocracy, is the only country that would send a woman to the penitentiary for ten years for exercising her constitutional right of free speech (applause). If this be treason let them make the most of it (applause).

“ Let me review another bit of history in connection with this case. I have known Kate Richards O’Hare intimately for twenty years. I know her record by heart. Personally, I know her as if she were my own younger sister. All who know her know she is a woman of absolute integrity (applause). And they know that she is a woman of unimpeachable loyalty to the Socialist movement (applause). When she went out into Dakota and made her speech, followed by plain clothes men in the service of the government intent upon encompassing her arrest and her prosecution and her conviction — when she was out there, it was with the knowledge that sooner or later they would accomplish their purpose. She made a certain speech, and that speech was deliberately misrepresented for the purpose of securing her conviction. The only testimony against her was that of a hired witness. And when 30 farmers, men and women, who were in the audience she addressed — heard the speech, when they went to Bismarck to testify in her favor, to swear that she had never used the language she was charged with having used, the judge refused to allow them to go upon the stand. This would seem incredible to me, if I had not had some experience of my own with a federal court (applause).”

By Mr. Hillquit:

Q. Now, Mr. Stedman, did you follow the Socialist press in connection with its attitude on the Kate Richards O’Hare trial, while the trial was on? A. Yes.

Q. Was the version of Kate Richards O’Hare, here repeated by Debs, denied, that she had made a speech — the speech attributed to her, generally accepted by the Socialist press? A. It was, and the labor press.

Q. Do you know of any Socialist publication, or any Socialist authority within the party, that adopted, endorsed or approved of the statements attributed to Kate Richards O'Hare in the indictment, and denied by her? A. I think it is safe to say that none did so, and I certainly know of none.

Q. You referred to a Mr. Hennessey, who had gotten out some hand-bills, circulated in Ohio and West Virginia. Do you know who this Mr. Hennessey is, or was? A. I do.

Q. Who was he? A. He was a college boy, and some single-taxers and others gave him some money to get out these circulars and distribute them. They were against conscription and they wanted to create a general movement against conscription.

Q. Was he a member of the Socialist Party? A. At that time he was not; I do not think he is now.

Q. Was he, as far you know, authorized by any Socialist Party committee or officer to get out such a hand-bill? A. He was not.

Q. Mr. Stedman, did the Socialist Party organization, as far as you know nationally or anywhere locally, take the position set forth in the Hennessey hand-bill you refer to, namely, advising young men to refuse to register? A. No, and on the contrary, its officers advised them to register from Berger to Germer and from Germer to Wilson, and throughout the general officers in the party.

Q. Do you know whether a direct statement on the subject was printed in the Call in the city of New York? A. I cannot testify to that.

Mr. Hillquit.— We offer a copy of the New York Call dated June 5, 1917.

(Copy of the New York Call dated June 5, 1917, was offered and received in evidence and marked Assemblymen's Exhibit No. 7 of this date.)

Mr. Hillquit.— I shall ask to read therefrom the article entitled "Registration Day."

Mr. Block.— This article, Mr. Chairman, is part of an article which is entitled, "Ten Million to Register for Nation's First Conscription Army Today." That was on Registration Day, June 5, 1917, and that title runs across the entire first page of The New York Call.

Mr. Hillquit.— Now, read, Mr. Block.

Mr. Block.— And the following is part of that article and is in a so-called box on the first page, and having been written by himself I will read it with all the modesty I can muster.

The Chairman.— Proceed.

Mr. Block (reading):

“Registration Day. The registration section of the Conscription Law must be obeyed. To defy and violate it may result in prosecution, conviction and imprisonment. Registration under the law does not of itself mean conscription. Exemption from military service may be claimed and allowed. But every man between the ages of 21 and 31 years (except those who are already in military service) must register. So long as this law is not repealed or successfully attacked and overthrown as unconstitutional in a properly instituted court proceeding, the law must be obeyed.

“Any persons who fail to register under the law, and any persons who advise or encourage others not to register, are pursuing an unwise and dangerous course.

“Men who register and who claim exemption from the draft will, perhaps, have to resort to other methods to assert their claims if the Exemption Boards should refuse to exempt them. Whether or not appeals to the courts will be successful remains to be seen.

“Socialists must decide for themselves what answer they will make to the questions put to them when they appear for registration to-day. Unfortunately, neither the National Committee nor the National Executive Committee of the Socialist Party has issued a statement upon this momentous matter to express the attitude of the party and to guide those who are obliged to register. Of course, even without such guidance, Socialists who are conscientious objectors to war and military service should know how to answer the questions put to them.

“The grounds of exemption which may be claimed are (1) physical defects or such generally weak or unhealthy physical condition as would prevent a man from rendering effective military service; (2) having any near relation who is solely dependent for support upon the person registering; (3) conscientious objection to war and to injuring and killing fellow

human beings. One or more grounds of exemptions may be claimed. Special boards or committees will later pass upon the claims of exemptions.”

By Mr. Hillquit:

Q. In this connection, Mr. Stedman, there has been some testimony in this proceeding about the organization of the so-called Non-Conscript League in the city of Chicago. Are you familiar with that organization? A. Yes.

Q. Do you know by whom it was organized, and whether or not the Socialist party or any of its subdivisions had any connection with it? A. They did not. It was entirely independent of them, and in fact repudiated by them, and when one of their members —

Q. Whose members? A. Of the Non-Conscript League was found taking affidavits of conscientious objectors on the floor in one of the side offices of the national headquarters, they were directed to leave the place.

Q. Directed by whom? A. Adolph Germer.

Q. The National Secretary of the Socialist party? A. Yes.

Mr. Hillquit.— That is all, Mr. Stedman.

Assemblyman Cuvillier.— You said you were counsel for Mrs. Stokes, weren't you?

The Witness.— Yes.

Assemblyman Cuvillier.— Do you know that since her conviction in the case pending in the Appellate Court that she has been indicted under the laws of the State of Illinois?

The Witness.— I am so informed.

Assemblyman Cuvillier.— Do you know the Governor of this State has signed extradition papers to have her sent back to Illinois?

The Witness.— I shouldn't doubt it.

By Mr. Conboy:

Q. Do you remember, Mr. Stedman, being personally present at a Socialist meeting held on the 12th of January, 1919? A. No. If you will speak of an incident, the date is a very imperfect way of refreshing my mind.

Q. It is probably true that it is. The meeting was held out in Milwaukee, and Mayor Hoan was the chairman? A. I remember it very well.

Q. And Victor L. Berger — A. I remember it all very well.

Q. Was one of the speakers present on that occasion and the Socialist Mennerchor sang "La Marseillaise," but with German words? Do you remember that? A. No, I don't remember the German words. They speak English quite well in Milwaukee.

Q. Did they sing "La Marseillaise" in German words? A. I don't recall it being sung in German words.

Q. You probably would? A. I think I should have noticed it.

Q. And if they had sung it in English would you recall that fact? A. If they had sung it in English? I remember them singing, but not in German words. If they had sung it in German words it would have registered itself on my mind as if they had sung it in Choctaw.

Q. Did Mr. Oscar Ameringer speak? A. He did.

Q. Emil Seidel speak? A. He did.

Q. Adolph Germer speak? A. I don't recall that.

Q. Mr. Louis Engdahl speak? A. I don't recall that. I think Engdahl did speak.

Q. Mr. William Bross Lloyd of Chicago speak? A. I don't recall that. I might say, in explanation of that, that I might have been out of the hall. They have one hall there that holds about twelve or fifteen thousand people and adjoining that they have halls holding eight or ten thousand and you speak in those overflow meetings. In other words, the general hall there accommodates about twenty-five thousand people, the side halls and main halls.

Q. And you were one of the speakers on that occasion? A. I was.

Q. And your speech is reported as having followed that of Mr. William Bross Lloyd? Mr. William Bross Lloyd had then been recently a candidate for United States Senator in the State of Illinois of the Socialist party? A. Yes, sir.

Q. In the course of that speech do you recall that Mr. William Bross Lloyd used this language — A. I suppose you refer to the facetious language, the joke, in regard to guns, banks and so forth. I notice the public took it very seriously, those without wit.

Q. You see, of course, there can be a difference as to what constitutes wit? A. I appreciate it.

Q. Now see if this is the witty part to which you refer: (Reading):

“ We know that the readier we are to fight, the bigger army we have got, the bigger navy, the more ammunition, the less chance there is for us to have to fight. So what we want is revolutionary preparedness. We want to organize, so if you want to put a piece of propaganda in the hands of everybody in Milwaukee, you can do it in three or four hours. If you want every Socialist in Milwaukee at a certain place at a certain time with a rifle in his hand, or a bad egg, he will be there. We want a mobilization plan and an organization for the revolution. We want to get rifles, machine guns, field artillery, and the ammunition for it. You want to get dynamite. You want to tell off the men for the revolution when it starts here. You want to tell off the men who are to take the dynamite to the armory doors and blow them in and capture the guns and ammunition there so that the capitalists won't have any. You want to tell off the men to dynamite the doors of the banks to get the money to finance the revolution. You want to have all this ready, because the capitalist propaganda or unpreparedness teaches that if you have it ready you won't need it, and you won't because if you have that sort of an organization when you get a political victory, and you can get it, the other side will lay down. If they don't you go take their laws, their police and their military and use it against them. Let's see how they will like that. It is bourgeoisie to conspire to commit treason or every crime under the sun. A Bolshevik is a man that don't care whether school keeps or not, so long as the revolution goes on.”

Q. Is that part of the speech to which you have referred as the witty part? A. Yes.

Mr. Conboy.— That is all.

The Witness.— I wish to say, you cannot in your reading get your pauses and emphasis, and further, I don't think it is an absolutely accurate report.

Redirect examination by Mr. Hillquit:

Q. William Bross Lloyd is referred to in this speech as having expressed those views, that the better the nation is prepared in a military sense the less opportunity will it have to use its military organization. Is that the Socialist view? A. Yes. In other words, he believes that the majority can be crushed —

Q. (Interrupting).—Did you first hear my question? My question was, whether the Socialists agree with the advocates of so-called military preparedness to the effect that the better the nation is prepared in a military sense, the less likelihood there will be of war? A. No, they don't.

Q. Then if William Bross Lloyd referred to it and ostensibly accepted it, did he mean it seriously or was it understood by him and his audience, including yourself, that he was parroting the conception of the military preparedness? A. There are some Socialists, like Victor L. Berger, who have believed and advocated for years a general militia system and the army of the people. Berger has advocated that for many, many years.

By Mr. Conboy:

Q. Did you say malicious system? A. Militia. He believes in a highly developed state militia on the theory that a small minority with arms can easily destroy the liberty and advantage of a great population which is unarmed. Now, that is his individual opinion and one that he has urged on the party; but it has never been accepted by the party.

By Mr. Hillquit:

Q. And was this speech of William Bross Lloyd, among other things, a reference — a humorous reference — to Berger's conception, as you understand it? A. Yes.

Q. Is William Bross Lloyd a member of the Socialist Party now? A. He is not.

Q. And is he a member of any other party that you know of? A. The Communist Labor Party, I believe; but he was with the Communists before the separation.

By Assemblyman Cuvillier:

Q. Berger is more patriotic than the Socialist Party in his individual opinions? A. My dear sir, the only way to determine patriotism is when history writes what man has done most for the country in which he lives; and not the man who constantly preaches.

By Mr. Conboy:

Q. Now, in this same meeting, Mr. Stedman, from the speech made by Mr. William Bross Lloyd, which I have quoted, you were reported as having made these statements: "Mark, the law

under which they tried us was passed on the 15th day of June, 1917." I assume that you were speaking of some people who were tried under the Espionage Act? A. I was referring to the Berger trial, that they were tried under the law passed on June 15, 1917.

Q. Known as the Espionage Act? A. Correct.

Q. And you continued. "Long before the Act was passed, long before the Selective Draft Law was passed, on the 18th of May, 1917, there was a convention of the Young People's Socialist Organization in Douglas Park, who adopted a resolution that they would not fight, would not be made to go to war. They were responsible for that resolution. Berger suggested that it might be necessary to back up that platform with bullets." A. No such statement was ever made by me in any form, shape or manner. The reporter that wrote that was drawing exclusively upon his imagination for his facts.

Mr. Hillquit.— Mr. Lee, take the stand.

ALGERNON LEE, recalled, testified as follows:

Direct examination by Mr. Hillquit:

Q. Mr. Lee, you have testified in this proceeding before? A. I have.

Q. On the aims, objects and methods of the Socialist Party? A. Yes, sir.

Q. And have you also heard the testimony of Morris Hillquit and Otto Brandstetter along the same lines? A. A very large portion of both witnesses.

Q. So without repeating any of the statements already made, and in order to cover some phases which have not been covered, will you please answer the following few questions as briefly as consistent with clarity? A. I will try to do that.

Q. It has been stated here on several occasions that it was the object of the Socialist Party to introduce a system of collective or public ownership, and operation of the principal industries of the country, and to abolish the private ownership of such industries. In that connection I will ask you whether Socialism advocates the abolition of all private property? A. It does not, and throughout my experience and observation —

Mr. Sutherland.— Mr. Chairman, can't the witness stop when he has answered the question? I thought he was going to be brief.

Mr. Hillquit.— I am examining the witness and I am the judge as to whether he has answered.

The Chairman.— I am going to allow him to proceed and then allow you to cross-examine.

Q. Go ahead, state the position of the Socialist party with reference to the ownership of private property? A. My point is that Socialists try to make it clear to the public that it is not the abolition of private property that is intended, but the abolition of such private property as gives to some of the people a control over the lives and over the opportunities to work and produce a living by which other people live. Private property used for the satisfaction of human wants,— let us say the home, furniture of the home and so on and so forth, or on the other hand private property which is the means of production, which is used in productive work, but used by the person who owns it, belongs in one class. To another class belongs those means of production,— that productive wealth which is owned by some people and operated by others, yielding a profit to the owners out of the product of the workers, and it is to this type of private property that the Socialist platforms and declarations refer, and only occasionally — a shorthand statement so to speak is used — can there be any confusion in the matter.

Assemblyman Cuvillier.— Do I understand the Socialist party wants to make a class distinction in this country?

Mr. Hillquit.— Do not answer it now, Mr. Lee. We will come to that later.

Assemblyman Cuvillier.— I want the question.

Mr. Hillquit.— Mr. Lee, you will kindly wait for that answer unless the Chairman reports otherwise.

The Chairman.— The discussion is closed. Proceed with your examination.

Q. Then, Mr. Lee, as I understand your answer the Socialist party advocates the socialism of such property as may be described to be instruments of production, and the distribution of wealth, is that correct? A. Used except where they are used by the individual who owns them. Socially operated means of wealth production —

Q. Would that include for instance mines? A. It would.

Q. And say railroads? A. Railways.

Q. Large factories? A. Large factories and mills.

Q. Would it include individual tools such as a painter's brush or a seamstress' needle and so on? A. It would not.

Q. Would it include any article of consumption or enjoyment such as clothes, automobiles, or baby-carriages and so on? A. It would not.

Q. With reference to that class of property which you say the Socialist party aims at socialization, does the Socialist party propose to confiscate such property, to take it from the owners without compensation? A. That is not essentially part of the Socialist program. The manner-socialists conceive that the manner in which the socialization of the great means of production will be affected will depend in every case upon the circumstances existing. Judging from history, and the history of past social changes in this country, as well as in other countries, it is a possibility that in some cases,— and I speak of confiscation, may take place as it has in the abolition of chattel slavery, and more recently in the abolition of the liquor business where hundreds and millions of dollars' worth of wealth have been simply wiped out without compensation by legislative enactment or constitutional amendment. I believe that it is the generally expressed opinion of Socialists that insofar as we may have a choice, we would prefer to avoid such methods.

Q. Methods of confiscation? A. Yes. The substitution of public or collective ownership or private ownership of such property may in some cases take the form of taking over by the public with compensation determined by process of law. It may in some cases take the form of duplicating the existing properties. I think there are a great many shops and factories being operated as private profit-making property to-day which a Socialist state would neither confiscate nor buy, because they are unfit for human beings to work in. I believe that would be found to be very extensively true, and that the Socialist state might in many cases establish suitable places for work owned by the people and operated by the people for the common good, rather than taking over those which already exist.

Q. Now, Mr. Lee, is there anything in the Socialist program that excludes the principle of paying just compensation to the owners of property if such property is taken by the State? A. There is not.

Q. Referring to a plan such as the Plumb Plan now being agitated, and which contains a provision for compensation, do you know whether the Socialists generally support or oppose such plan? A. That specific Plumb Plan has been generally received with approval by Socialists and by the Socialist press and by the National Convention of the Socialist Party, which last summer specifically approved it, not with reference to every specific detail of the plan, but as essentially a Socialist proposition, a proposition consistent with Socialist ideas.

Q. Do you know whether the authoritative Socialist opinion on that point is that outside of all questions of ethics or justice it may in a great many cases be more expedient and economical in the long run for the nation to buy out properties rather than to take them? A. Certainly, yes.

Q. You are familiar, Mr. Lee, are you not, with the provision in our National and State Constitutions prohibiting the taking of property without due process of law? A. I am.

Q. And I shall ask you whether the Socialist party contemplates taking property without such process of law? A. It does not.

Q. The taking of property by a Socialist state, either by compensation or any other method, would presuppose constitutional methods, would it not? A. It would.

Q. The Socialism of the Socialist Party of the United States has been referred to in this proceeding as being Marxian, and in that sense as opposed to non-Marxian Socialism; will you state very briefly what are the distinguishing features of Marxian Socialism? A. When we speak of Marxian Socialism, or, as we sometimes say, scientific Socialism, in opposition to what we commonly call Utopian Socialism, we mean a Socialist theory and ideal based upon a study of past and current history, a theory which is an attempt to interpret and apply the laws of historic development in the practical tasks of social reconstruction, as distinguished from the method of those who, let us say, sit down and think how nice it would be, what a beautiful world we might have, if it were only so-and-so, and imagine that they can set forth an ideal, Utopian, and get the people to accept it. This, I believe, makes the essential distinction between Marxian or scientific and Utopian Socialism; that the one is based on knowledge and the other upon wishes.

Q. Then, in the first place, Marxian Socialism is what you would term realism? A. It is.

Q. Does it have a special theory in historical development?

A. It does.

Q. And what is it called? A. The materialistic conception of history is the phrase commonly used; sometimes the economic interpretation of history.

Q. And in either phrasing just what does it mean, very briefly?

A. As briefly as I can state it —

Mr. Sutherland.— Mr. Chairman, have we not had this delineated before by Mr. Hillquit?

Mr. Hillquit.— We have not had it. I have gone over it very carefully. I have jotted down a few questions.

The Chairman.— You may cross-examine.

The Witness.— The conception is that the material conditions under which human beings live, and particularly the methods and means with which they produce their livelihood — produce wealth — that this is the governing factor in human history; that it is this which, in the last analysis, determines, controls the political, legal, social, intellectual, aesthetic life of humanity; and there are various other aspects of our life; that the changes which have taken place successively in human history have not resulted from any action of some person or persons planning or desiring such a change; but have resulted from changes in the methods of wealth, production, transportation and exchange; that it is, let us say, the passage from the stage where the people live by hunting and fishing to the stage where they cultivate the soil and are able to raise domestic animals; or, later on, the change in the method of production and transportation which came with the invention of the steam engine, which gives new forms and methods of producing wealth and thereby has given mankind a whole new social environment; have changed men's ideas and have changed human institutions.

Q. Including political institutions? A. Including political institutions — and have changed the class structure, the class divisions in human society.

Q. Now, Mr. Lee, will you say that the Socialist philosophy is a philosophy of social evolution? A. It is.

Mr. Sutherland.— Mr. Chairman, it seems to me that we ought to emphasize the proposition that the philosophical fields

of Socialism are not at issue here at all, but the tactics, the program, the method by which they seek to put whatever theories they have into actual operation in this country, and the tactics and program and proposition by which they expect to get rid of the obstructions in their path, including the militia and other things which the Constitution has devised for the protection of people in the enjoyment of their life and their property. Now, the philosophical theories of Socialist writers are of no more importance in this case than the dreams of St. John on the island of Patmos. What we are interested in is the very practical and pointed program which they have announced again and again, and which we have proven here.

By Mr. Hillquit:

Q. Now, will you state what it is? A. According to the Socialist view — I don't know whether — I hope I am not repeating the answer I have made —

Assemblyman Cuvillier.— Do not make stump speeches on Socialism. We want testimony.

(Discussion off the record.)

The Witness.— When I say that the Socialist theory of human progress is a theory of evolution, I mean that historic events — and by that I mean not only events in the past, but in the present and future as well — grow out of the conditions already existing; that today is the result of yesterday and yesterday the result of the day before; in the field of society, in human institutions as well as in nature, that there are causes; there is a law of cause and effect; but in human history there is a development from stage to stage, including a development of the institutions of property, including a development in political institutions; all necessarily connected by such law of cause and effect.

Q. Then, Mr. Lee, according to your theory, do Socialists hold that a Socialist commonwealth and every ideal of such may be introduced in any country at any time? A. By no means. It could be introduced only when the economic and social conditions for its establishment are ripe.

Q. And not otherwise? And not artificially? A. And not otherwise and not artificially; not by anyone's dictates or desire.

Q. Then do they likewise hold that the question of introducing a Socialist commonwealth in every country is conditioned by the special economic, political and other conditions in that country? A. Absolutely so.

Q. Do the Socialists, by their philosophy and program, contemplate a change of individuals in control, or a change of the system as such? A. A change of the system.

Q. Will you please differentiate, very briefly, between the philosophy of Socialism and Anarchism on that point? A. The anarchist theory is essentially a negative theory, whereas the Socialist conception is that when society — capitalist society — has developed to a certain point — economically, socially, intellectually and politically — the mass, the overwhelming mass, of the population, composed mostly of wage workers, will, as a result of that evolution, understand the system under which they live and will desire a change, and will, through their numbers, be able to effect that change, which we will call the establishment of the Socialist commonwealth. The anarchist centers his attention upon the abolition, the removal, of existing institutions, which he thinks of — I think I am just in saying that the anarchist thinks of; at least that is our Socialist interpretation of them — which he thinks of as having been artificially imposed upon society by individuals or by groups of individuals. The anarchist conceives of existing governmental and other institutions as just the product of usurpation, the product of the will — persons who have usurped power; and he desires to do away with such usurpation of power as he conceives exists.

Q. Then, Mr. Lee, would you say that the anarchist is individualistic and the Socialist is social? A. Distinctly.

Q. And would you say that while the anarchists believe that men create systems, the Socialists believe that systems develop men? A. Yes.

Q. And would you say that while anarchists believe that social conditions can be improved by the removal or change of individuals, the Socialists hold that such conditions can only be improved by a change of the system? A. By a change of the system.

Q. And would you say that while the anarchists believe that an intelligent minority may change society, the Socialists believe in the popular rule? A. Yes.

Q. And would you say that while anarchists do not believe in political action, Socialists do? A. Socialists do. That is the distinction.

Q. Then, Mr. Lee, on the basis of these differences, has there not been antagonism and opposition between these two camps, the anarchists and the Socialists, ever since the inception of the two movements? A. There has, and sometimes a very bitter antagonism.

(Discussion off the record.)

Q. Mr. Lee, in this proceeding language has been quoted from certain Socialist proclamations, such as "Seizure of the power of government," or "Capture of the government," or "wresting the industrial systems from the hands of the owners." I ask you whether in the Socialist conception and the accepted Socialist phraseology these words imply the use of force or violence? A. They do not imply it, and not only that, but in the popular propaganda of Socialism, spoken and printed, these words always carry a context which makes it clear that they do not imply it any more than, let us say, the use of the word campaign, which is drawn from military practice and is commonly used in our political language, implies the use of violence; or any more than the book, "The Battles of Labor" is a movement which depends upon the fighting and killing of people. Such language is used, perhaps, in a somewhat figurative sense by Socialists and others, and I am confident, from my own participation and observation of Socialist propaganda, that the public well understands it.

Mr. Sutherland.— I object to that last statement.

The Chairman.— That may go out; strike it out.

Mr. Sutherland.— His statement as to how the public understands it. I object to the statement.

The Chairman.— That will go out.

By Mr. Hillquit:

Q. How long, approximately, have these terms been used in the Socialist literature, if you know? A. I believe that the use of such terms runs far back in the Socialist literature; that it dates from a very early period.

Q. And did they have their inception, perhaps, in the preparliamentary days of European politics? A. I should say if

such language is used more by Socialists than by members of other political parties, as it probably is, that does connect itself with the fact that the Socialist movement in its inception and for some decades of its existence, grew up under conditions in the various countries of Europe, where the great mass of the people had no share in political power, no political rights, and that this may very well have colored the phraseology of Socialism.

Q. Now, Mr. Lee, reverting to the question asked by Assemblyman Cuvillier, we have had statements or definitions of what we call classes or class struggles, classes being defined as being antagonistic economic categories, and class struggle representing the antagonism. I will now ask you, in the Socialist conception, are those the only two classes in the United States, or are there more? A. More.

Q. Which classes would you mention as existing in the United States and recognized by the Socialists as such? A. We speak in Socialist writings and speeches of the capitalist class or the bourgeoisie, as we often call it; the wage-working class or proletariat, in the strict sense of the word.

We have to recognize that there is another type of working class, the working farmers, a majority of whom own the land and equipment which they themselves use, while others are renters who are not wage workers, nor are they capitalists. There is the type to a small extent of the self-employed industrial workmen, the small artisan who has his own shop and his own tools. They are not very numerous, and they are passing away. There is the type of the professional workers of a good many professions — lawyers, doctors, artists and so on and so forth, who are neither capitalists nor wage workers nor artisans nor farmers, but constitute a more or less clear class by themselves. Perhaps I might distinguish still other classes but, these, at least, are the main ones in our existing society.

Assemblyman Cuvillier.— Were you born in this country?

The Witness.— I was born in this country.

Assemblyman Cuvillier.— Whereabouts?

The Witness.— In the State of Iowa; my ancestors for three hundred years past.

By Mr. Hillquit:

Q. Now, Mr. Lee, will you state whether, in the Socialist conception, there are two most important and dominating classes? A. There are.

Q. And those are? A. The capitalist class and the wage working class. They are the most important and dominating classes. Every successive census shows the wage workers, in the strict sense of the word, to have become a larger proportion of the whole people, so that ten years ago the wage workers in the strictest sense of that term, together with their non-working dependents, their families, constituted just about from 45 to 50 per cent. of the whole population, and if the same ratio of increase has gone on in the last ten years, they now constitute the majority of the whole population. That is, the workers come to be more and more wage workers, and on the other hand, the capitalist has a larger proportion of the productive wealth of the country under his control.

Q. Mr. Collins in testifying here gave it as his belief that the Socialists hope that workers must inevitably hate and despise the men they work for, is that the Socialists' position? A. It is the very opposite of the Socialists' position.

Q. What is the Socialists' position as regard personal relation between employer and worker? A. The Socialists desire that the workers should understand the capitalist system, and understand that the evils of which they complain, be it overwork or underpay, or whatever the various evils of which they complain, are not the results of the personal selfishness or cruelty or ill-will of the capitalist, but are the result of the capitalist system.

The Socialists, so far from desiring that the workers should hate the capitalist, desire that they should have that understanding of the system which eliminates hatred.

Q. It is part of the Socialist philosophy that the capitalist is morally worse or lower individually than the worker, or vice versa? A. It is not at all part of the Socialist's philosophy that the capitalist is the main evil.

Assemblyman Cuvillier.—Don't you think that this government, this nation, gives every citizen the means, if he has got the ability, to be a capitalist if he wants to be one?

The Witness.—I do not know of any law that prohibits anyone from becoming a capitalist if he can, but I know that it is not a question of a prohibitive law. I know that as a matter of fact

only a few persons can be capitalists, and the capitalist can exist only on condition that there exists a large number of exploited wage workers to produce profit upon his capital. I do not think that you can yourself conceive of a society composed wholly of capitalists, or in the majority of capitalists.

Q. Mr. Lee, how many wage workers are there approximately in the United States? A. In the United States, at the last census, the wage workers, in the strictest sense of the word, numbered somewhere about 14 to 15 or possibly a little more than fifteen million.

Q. Do you think it is conceivable that each of these wage workers have a factory of his own? A. I cannot imagine it.

Q. And be an employer; you do not consider it so? A. I cannot imagine it.

Q. Because there would be nobody to work for them? A. Yes, sir.

Q. Which would be one obstacle? A. A very serious obstacle.

By Assemblyman Rowe:

Q. Don't you think as education is spread and developed to the working class it eliminates the number of workers? A. You mean diminish? By no means. Undoubtedly all through the — let us say the last half a century, education has been spreading, increasing among wage workers, and yet if you will take the census of 1870, 1880, 1890, 1900 and 1910, and work out the statistics, you will find the percentage of wage workers, through the wage population, has been consistently increasing, and that is true, not only in this country, but every other country where the wage system prevails.

Q. Isn't that caused somewhat by immigration? A. It is equally true in migration countries; it is equally true in England, in Italy, in Germany, in Poland, in Hungary, in the countries from which migration has taken place; in all countries where the factory system — the machine method of production exists, where modern methods of production exists, the wage workers become concededly a larger proportion of the people and the productive wealth becomes more and more concentrated in the hands of the capitalist class.

By Mr. Hillquit:

Q. In other words, our industrial system is developing all over the world constantly? A. Developing all over the world

constantly on the same general lines, although with many other conditions in particular countries.

Q. And one of the features of such industrial development is the increase of machine production? A. Yes, sir.

Q. Which requires an ever-growing number of workers to tend to them? A. Yes, sir.

Q. Now, Mr. Lee, the witness Collins also testified that the Socialists were manufacturing class hatred, is that correct? A. The very reverse is the fact, that is to say, the Socialist educational propaganda is directed, among other things, against that individualistic view which would mean hatred, and toward an understanding — I think I am perhaps repeating — toward an understanding that the trouble is with the system, and that there is no room for hatred, but for an understanding of the will to change the system.

Q. Within the Socialist Party do you know whether there are any members who might themselves economically be classed with the capitalist class? A. There are. I do not know whether there are any that would be very big capitalists, but there are unquestionably within the Socialist Party in this country, and other countries, many who are not wage workers — some considerable number, who might be counted as capitalists.

Assemblyman Cuvillier.— Do I understand that question that the Socialist party do have capitalists?

The Witness.— Yes, sir.

Assemblyman Cuvillier.— For instance take my friend Hillquit, or the Burns Brothers Coal people — I buy coal from them for years.

The Witness.— He is here. I would not testify to that. You can ask him.

Mr. Hillquit.— I did not get the drift of the question. Do you ask for a rebate, Brother Cuvillier?

The Chairman.— Proceed. I am doing the best I can to let you gentlemen get through with this.

By Mr. Hillquit:

Q. Mr. Lee, is it not one of the objects of the Socialist party, or the Socialist movement, to abolish classes and class differences?

A. It is. I may almost say it is the ultimate object to which all other objects are means.

Q. And how does the Socialist party expect to abolish classes and class distinction? A. The classes as they exist are not established by law. They are not political, arbitrary political distinctions between different groups of people. Certain persons are wage workers because they do not own the means of employing themselves, and must sell their service,—sell their labor power, to those who do own the great means of production. The Socialist aim is to socialize the ownership and control of those great means of production of which the masses of the people must have access to, must use in order to produce wealth, in order to do it, to produce a living for themselves and profit for the capitalist. Through the socialization of these means of production the Socialist party desires that the wage workers should cease to be wage workers; that the capitalists should cease to be capitalists; that all should become joint owners and joint workers in the common task of production.

Q. That would abolish all class and class distinction? A. That would abolish all class and class distinction.

Q. And that is the principal aim of the Socialist movement? A. That is the principal aim of the Socialist movement.

Q. Mr. Lee, you were examined with reference to the meaning of mass action, I do not want you to repeat anything you have stated, but will you please contrast the term "mass action" with individual action? A. I do not know whether I can avoid repeating. As far as possible I will try to avoid it. The Socialist party advocates, promotes mass action, political and economic, including the trade union and the co-operative, as well as political party, and including the educational work which must go on in connection with all of these. It is the only possible means of action of a working class. To contrast, you have on the one hand among the industrial field the strike or the boycott. These are forms of "mass action," or within that strike or boycott you had an organization of the workers of the trade or an industry carried to the point where they are able to go into collective bargaining with their employers to establish a minimum scale, or conditions with regard to wages, hours and so forth. This is an example of mass action, whether an actual strike or a boycott, on the one side and the actual lockout on the other side, takes place or not. To give an example of individual action that might more or less correspond to this you would have the act, let us say, of a wage worker unorganized depending upon his individual powers to get the bet-

ter of his boss, or to perhaps get revenge on his boss,— well, to use a phrase that was used the other day, by throwing a monkey wrench into the machines. That is what happens here sometimes.

Q. In this sense, Mr. Lee, would you call sabotage a species of mass action or individual action? A. Essentially a species of individual action as opposed to the organized mass action on the economic field.

Q. And that is one of the reasons for the Socialist opposition to the practice of sabotage, is it? A. That is one of the reasons, because it is antagonistic to a conscious self-reliant mass organization of the workers.

Q. Mr. Lee, you are familiar with the St. Louis resolution against war which has been read here a number of times? A. Very familiar with it.

Q. And are you familiar with the term, "Mass action," occurring in that resolution? A. I remember that it occurs there.

Q. Will you state what it means in connection with that resolution? A. It means action in which masses of people, as large a number of people as possible, should demonstrate their will, whether it be at the ballot box, through the nominations and, if they succeed, the election of candidates; whether it be through the methods mentioned, mass petitions, the gathering of petitions with tens of thousands, hundreds of thousands, or perhaps a million signatures, in order to impress upon members of legislative bodies, and particularly Congress was in mind, the desires of great numbers of the people, demonstrations which might take the form of great meetings, or of great parades, and so forth. Those are typical forms of mass action, for such a purpose of expressing a popular will, which we believe to be manifestly the will of the majority of the people and desired to bring out as such.

By Assemblyman Cuvillier:

Q. Would it mean force also? A. That certainly was not implied or contemplated.

Q. If the opportunity showed itself it would be forced, wouldn't it? A. If the opportunity showed itself?

Q. Yes? A. No; that opportunity is continually showing itself.

Q. Mr. Lee, was that clause meant to disparage individual action? A. It was definitely meant for that purpose, and when I say it was definitely meant for that purpose I mean that was the purpose expressed in the convention and in committee, in the dis-

cussions, which led to the formulation and final adoption of the manifesto, that it was to discredit the irresponsible action of individuals, or of conspirative groups, and to insist, as against this, upon the organized and open and public action of masses of people.

By Assemblyman Rowe:

Q. What did it mean when it said, "and all other means within our power"? It mentioned all these which you have mentioned?

A. We did not attempt to enumerate all the things, all the details of a campaign in favor of such a peace as we believed to be just and desirable, and against the policy of conscription, and so forth.

Q. It still could be contemplated within that statement, "force and violence," couldn't it? A. I suppose, if any one desired to contemplate it, he could contemplate it, but it was not contemplated by those who adopted it.

Q. The language was strong enough to include it? A. Not only was it not contemplated by those who adopted that manifesto, but even by the propagandists through speakers, lecturers, writers of leaflets, editors, and so forth, that manifesto was continually explained in the sense in which it was intended. Now, of course we all of us, perhaps,—almost every day some one says, "I will do all in my power for such and such a purpose," and any one with a desire so to understand would understand, "I will commit murder, if necessary, for that purpose," but no one does, for that is not justified.

By Mr. Hillquit:

Q. In drafting that manifesto, did we proceed upon the generally established assumption that the presumption is one in favor of law, and that we do not have to repeat in every phrase that we will do so by lawful means? A. Yes, sir.

Assemblyman Evans.—Using the phrase "economic exploitation" in the Socialist sense, do you believe that the workers under any circumstances would be justified in taking up arms to free themselves from economic exploitation?

The Witness.—You mean to ask are there any circumstances under which they would be justified?

Assemblyman Evans.—Yes.

The Witness.—I can conceive of such circumstances. Unquestionably such circumstances have existed in the course of history.

Assemblyman Evans.— What are they?

The Witness.— When the workers of France,— they were not to any great extent wage workers;— in the main they were peasants exploited through feudal rents in the eighteenth century, undertook to throw off the rule of monarchy and aristocracy which oppressed them, which had taken away from the masses of the people two-thirds of the productive wealth of France, and when the political institutions of that time were such that the only means by which they could change the system was a violent overthrow of the autocratic monarchy of the Bourbons, I think the world generally, and certainly I, considered they were justified in so doing.

Assemblyman Evans.— What circumstances existed in the world in the year 1917?

The Witness.— I don't just get your question.

Assemblyman Evans.— What circumstances existed in the world in the year 1917 which would have justified the workers of any country in taking up arms to free themselves from economic exploitation?

The Witness.— Of any country?

Assemblyman Evans.— Yes.

The Witness.— Very definitely such circumstances existed throughout the Russian Empire, throughout Central and Eastern and Southeastern Europe; throughout very great parts of the world.

The Chairman.— But not here in this country?

The Witness.— I believe the phrase to which the Assemblyman refers is the one used in regard to the whole world situation.

The Chairman.— The Chairman withdraws his question.

The Witness.— It wasn't a matter of the program in the United States.

Assemblyman Evans.— So that you say in your opinion that particular phrase was put in the St. Louis platform as a justification for some governments in Europe, for the workers of some

governments in Europe to take up arms and free themselves from economic exploitation?

The Witness.—What I say is this, Assemblyman: that that manifesto dealt with the whole situation existing in the world today and it dealt with the general problems of class struggle and the phrase to which you refer had not a particular application to the United States in 1917. That was the wording of your question, I believe.

The Chairman.—We will take an adjournment until two o'clock.

(Whereupon, at 12:30 p. m. the Committee recessed until two o'clock p. m.).

AFTER RECESS, 2:10 P. M.

ALGERNON LEE, recalled, testified as follows:

Redirect examination continued by Mr. Hillquit:

Q. Mr. Lee, I have four more questions to ask you, upon which I shall expect as brief replies as possible. One is with the relation of the Socialist party to politics. The statement has been made here, in the course of the proceeding, that the politics of the Socialist party is nothing but a blind, that the Socialist party, as a matter of fact, does not expect to accomplish its aim through political methods, but through methods of violence. Will you please state what is the true attitude of the Socialist party to political action? A. The Socialist party certainly desires and hopes to attain its ends through political action. It uses political action as a means — as the chief and primary means — of activity, including with political action, of course, the educational work in carrying its ideas to the whole population, to win the masses of the people to its views, thereby to organize them politically, thereby to procure representation in the legislative bodies, and consequently in the other departments of the government, and to use the political power so gained both for present betterment and the betterment of conditions that may from time to time be possible, and with the ultimate end of realizing its purposes, which we have defined already, the socialization of the great means of production.

Q. Describe the educational value of political campaigns as the Socialists carry them on. Do the Socialists attach any value to concrete legislative forms? A. They surely do. In every State; in every city in this country where, at various times, the Socialist party has been represented; in Congress, where it has been represented for some time by Mr. Berger and by Mr. Lunn; in all such bodies every effort is made to introduce and to attempt to carry through legislation consistent with the program embodying the announced program of the Socialist party.

Q. Such legislation or effort to secure such legislation is a regular part of Socialist activities in legislative bodies? A. In this country and in every country where the party exists and has won representation.

Q. Reference was made here to such expressions occurring in the platforms of the Socialist party, as, for instance: "The immediate reforms are but a preparation of the workers," or, "The program of immediate legislation or political reforms is but a stepping stone to the realization of the final aim of the Socialist." Will you state what is meant by such reference or expressions? A. What is meant by it is that while the Socialist party takes advantage of every opportunity to procure some measures of legislation or administration which will in some particular better the conditions of the masses of the people, and particularly of the working classes, it does not confine itself to these reforms, often relatively simple ones, which are immediately practicable, which it can win at this time, while it has only a minority representation, but while thus doing all that is possible, day after day, through the channels of political action and of legislation, it keeps in view its great purpose of reorganizing society on the basis of social or collective ownership of the great means of production, and the elimination of class distinction, class conflict, class war; that its political action aims always at this ultimate purpose and at the same time deals with every important issue that may arise.

Q. Do the Socialists consider the securing of public offices and salaries and patronage as one of the important aims of the political activities of the Socialist party? A. They do not, and that is the point of expression such as you cited here. Socialists take every opportunity to make it clear to the voters — to those whom they call upon to vote the Socialist ticket, that the purpose is not merely to effect a change in the personnel of the State, or national

or city government; that it is not just a question of winning offices for some persons who then may perhaps be able to dispose of certain patronage and so forth, and that, for instance, we do not desire that we should get a split vote, a vote for this candidate or that candidate; that we ask people to consider that when they vote the Socialist ticket they are voting for Socialist principles and their election of persons who have been nominated as candidates to office are only a means of putting those principles into effect.

Q. In this respect, Mr. Lee, does the Socialist party differ from any other political party which has a program of its own and an aim to realize? A. Insofar as any other political party has a name of its own, and an aim to realize, they are identical. I do not know whether that is perhaps going away from that. We know that the Republican and Democratic parties have very largely, if not wholly, lost the reason for existence they once had; that they have no principles to realize, have not a social program, and that to them the aim of politics is the acquisition of political power as an end in itself of the offices, patronage, prestige, and so forth, which that carries with it; and we state, the Socialist Party in contrary distinction to it, and say that the Socialist Party in that respects corresponds to what I say, to the Republican Party of some fifty or sixty years ago, or the Democratic Party in the early Nineteenth Century, when it had a definite mission as against Federalism and so forth.

Q. Take the Prohibition Party, for instance. A. The Prohibition Party is a party, whether one agree with it or not, that have their definite principles and purposes, and which, in exactly the same way, choose political action, not as a means of gaining offices for individuals, or for power for a political machine, but for the purpose of using that political power to carry a certain principle or purpose into effect, that of abolishing the liquor traffic.

Q. Does the avowed purpose of the Socialist party, to use its political power if and when acquired for the end of introducing a Socialist regime,—does that conflict with the bona fide exercise of the suffrage and of the political methods until such time as that point has been achieved? A. It does not. We conceive that the purpose of the representative system is to give the people in various parties holding different views the opportunity

to express themselves and to control the government and its policies, and that that party which has the majority or, let me say, the plurality, has then the legal and constitutional right to enact, and the duty to those who have elected its representatives in office to enact legislation realizing the principles that it has announced.

Q. There also has been made mention in the course of the examination in this proceeding of the attitude of the Socialist Party to the economic organizations of labor, trade unions, industrial unions and so on; will you please state briefly what is the basis of the special interest which the Socialist party takes in the economic organization of labor? A. The Socialist Party declares itself to be the political representative of the working classes, and more particularly of the wage working class, which is becoming more and more the typical working class of modern times. It recognizes in the labor unions another organization, or set of organizations, representing the same class of society, representing the same interest, and by another line of activity striving to serve the interests of that class and ultimately to do away with its existence as a class through the reorganization of society. The two, then, the Socialist political movement and the movement of the labor unions, represent the same interests. They have the same immediate purposes of the betterment of economic social conditions, they have the same ultimate purpose of the reorganization of society on a classless basis, and for that reason the Socialist Party desire a harmonious co-operation and mutual helpfulness between it and the labor organizations.

Q. Mr. Lee, is the Socialist movement interested in the immediate improvement of the conditions of labor? A. It is.

Q. In what way and for what reason? A. In the first place, for their own sake, because an improvement of the conditions of labor — whether it means the gaining of more leisure and consequently of more opportunities for culture, for education, for enjoyment of life, for the toiling masses, — whether it means gaining a larger share of their product in the form of higher wages relatively to the value that they create, or in any other way, every such improvement has a value in itself. It has a further value from the Socialist point of view, in that by adding to the leisure of the workers, and by increasing their social intelligence — their organized intelligence — by giving them a greater degree of self-respect for themselves as a class, it promotes, it brings nearer the triumph of the working class in what we Socialists familiarly

call the class struggle; brings near the realization of the Socialist aim, the ultimate aim of Socialism. For both reasons we support the struggle of the workers on the economic field.

Q. Based upon your experience and observations within the Socialist movement, would you say that the workers who support the Socialist movement come very largely from the better situated strata of wage workers, or from the worst? A. More largely from the better situated, better organized, and better educated elements of the working class.

Assemblyman Cuvillier.— I want to ask you a question there. You say that they come from the better element of the working class. Samuel Gompers represents the American Federation of Labor. Is he a Socialist?

The Witness.— He is not.

Assemblyman Cuvillier.— That is what I want to know. You said the better class.

By Mr. Hillquit:

Q. Those that are Socialists, do they come from the better situated strata or worse situated strata? A. They come definitely from the better elements or strata of the working class. In those regions where there is the greatest degree of misery among the workers, the extremely long hours, the extremely bad pay, conditions that produce degradation of the masses, the task of the Socialist party or its organizers is very much harder than it is in those industries, in those trades, and in those regions where the condition of the workers is higher.

Assemblyman Cuvillier.— The American Federation of Labor is not a member of the Socialist party?

The Witness.— There is no union that belongs to our Socialist party. The American Federation of Labor includes workingmen who are Republicans, Democrats and Socialists.

Assemblyman Cuvillier.— Mr. Gompers does not belong to the Socialist party?

The Witness.— He does not belong to the Socialist party at all.

Mr. Hillquit.— We want to have this on the record; Mr. Gompers does not belong to the Socialist party.

The Witness.— Mr. Gompers does not belong to the Socialist party.

By Mr. Hillquit:

Q. Now, Mr. Lee, as the last question, counsel for the Committee here has made the contention on their brief that mass action and general strikes are intended to overcome representative government, which, I take it, means that they are intended to supersede and take the place of representative government. Is that the Socialist understanding of the use of mass action and general strikes? A. That is not the Socialist understanding and the subject is one on which a great deal has been said and has been written. It is a subject that has been a great deal discussed in the Socialist movement here and in Europe. Books have been written on it. I have in mind especially a large book by Emil Vandervele, "The General Strike." The book is in French, dealing with the subject historically and theoretically, and on the basis of the experience of general strikes or strikes for political purposes in various countries of the world, and of the theoretical expressions of Socialists who speak with a degree of authority, and of the discussions in the Socialist movement and the Socialist press, it can be thoroughly established, the Socialist conception of the use of mass action on the economic or industrial field, one form of which is commonly referred to as the general strike, meaning the political strike, is that under certain circumstances this used to win the opportunity for political action, and that it is used under certain circumstances to reinforce, to supplement political action very frequently as a means of effective dramatic demonstration of the will of the workers in a given situation, whether it be with regard to the enactment of the universal suffrage law, as it has been in some cases, or to the protest against the use of martial law to break strikes, as has happened in Italy, for instance; whether it be intended to bring about the enforcement of labor laws which were already on the statute books, as in the famous miners' strike of Colorado in 1904, and other similar instances might be mentioned. In all of these cases it is a means of supplementing, of supporting representative government, by no means of substituting it or overthrowing it.

By Mr. Hillquit:

Q. Do you mean that mass actions and political strikes, when applied, are mostly used for the purpose of bringing pressure to bear upon legislators rather than to supplement them? A. That is very generally the case, yes.

Q. In the principal and historical general strikes in the different countries of Europe, is it or is it not a fact that a war in most cases is accompanied by demonstrations in front of Parliament, coupled with requests to enact certain legislation, such, for instance, as widening the suffrage, and so on? A. That has been the case in Belgium and Italy, where such strikes have taken place, where simultaneously with the strike delegations have been sent from all parts of the country, if it be an extensive strike, to demonstrate the demands of the workers in a dramatic, emphatic manner to the elected representatives of the people.

Q. In character and principle is there a difference between such action on the part of workers seeking to influence legislative action and the practice of petitions, or say lawful lobbying for such purposes? A. The only difference that I know is that this method — the political strike, with the demonstrations which accompany it — is a thing carried on on a larger scale, more completely public, in the open. What we speak of as lobbying is often a more or less obscure matter. It is definitely and openly an expression of will, corresponding to the use of the petition, and is perhaps a living petition instead of a petition put on paper.

Mr. Hillquit.— That is all.

The Chairman.— Cross-examination.

Recross-examination by Mr. Sutherland:

Q. Mr. Lee, you recognize the leadership of the Socialist party by Mr. Debs, do you not? A. Why that would depend, Judge, on what you mean by "leadership."

Q. Well, is not he your embodiment of Socialist principle and theory, and is he not your candidate individually for President on the Socialist ticket this year? A. I think it altogether likely that he will be the candidate of the Socialist party for President this year and personally I desire that he should be.

Q. Now, that is because his sentiments are those of the mass of the Socialist party, is it not, as well as because of what he has done and suffered for Socialist principles? A. We consider him altogether — I consider him as a fit man — as the fittest man at the present time, to be chosen as the standard bearer of the party in the campaign of 1920. If I qualify my answer to your question, Judge, perhaps you will allow me to explain?

Q. Yes. A. We Socialists are on principle not hero-worshippers. I am not so sure but what we sometimes lean back too far, or stand so straight that we lean backwards; and we do not at any time recognize in our party the same degree of personal leadership that is commonly recognized in other parties. With that qualification I say certainly Eugene V. Debs is a trusted and admired and loved leader and spokesman of the Socialist movement.

Assemblyman Cuvillier.—Mr. Lee, your are not a hero of American institutions?

The Witness.—I do not know what the question is.

By Mr. Sutherland:

Q. Now Mr. Lee, the Socialists are rather averse to hero worship, are they? A. Yes, sir.

Q. Now, when one of the most eminent Socialists in America compares Eugene V. Debs with Jesus Christ, you would not say that partakes in any degree of hero worship, would you? A. I would say it was his expression of profound admiration for the moral courage and nobility of Eugene V. Debs.

Q. You think it is a moderate statement? A. I think it is the statement of a very strong and deep feeling indeed, and I share that feeling.

Q. You would not call it hero worship? A. No.

Q. What is it that you object to, to the word "worship" or "hero"? A. I am not talking about words, Judge; I am talking about the attitude, the attitude of those who make themselves followers to a personal leader, and advocate their own judgment. That is not the case with the attitude of the Socialists toward Mr. Debs, or toward any other of our leaders. They are our leaders because they lead us in the direction in which we desire to be led.

Q. Very good. Now, you say the Socialists have not advocated the taking of private property without due compensation? A. I did not say that, Judge. I said that that was not any essential part of the Socialist program. I said that the Socialists would prefer to avoid such situations, let us say, as have arisen in the history of this country and elsewhere, where a whole institution such as slavery, as the whole business such as the liquor traffic, and a very big one, is wiped out, and undoubtedly with great

hardship to many persons. I think the Socialist movement would try to minimize the conditions that come from that.

Q. If you took over all the basic interests, all the mines and railroads, the means of transportation, the great properties, the large landed interests, take them over, how can the owners be compensated; how can the people that take them over return to those owners whose property has been taken away an equivalent in value, as the Constitution requires, when private property is taken for public use? A. I do not think the Constitution requires that.

Q. Aren't you familiar with that principle of constitutional law that when private property is taken for public use there must be due compensation—

Mr. Hillquit.— I object —

Mr. Sutherland.— I want to know whether —

Mr. Hillquit.— You are not going to fight me?

Mr. Sutherland.— I want to know whether in the middle of a question counsel has the right to interrupt, and I insist upon my right to have my question finished before he announces his objection.

Mr. Hillquit.— And I insist upon my right to state my objection whenever a question is improper.

The Chairman.— Objection overruled.

Mr. Hillquit.— Let me state my ground of objection.

The Chairman.— I shall not hear any more. Proceed.

Mr. Hillquit.— May I state the ground of my objection?

The Chairman.— No; it is overruled.

Mr. Hillquit.— Without hearing the ground?

The Chairman.— Yes.

Mr. Hillquit.— I take an exception.

The Chairman.— Exception granted. Now, what is the question.

(The question was repeated as follows: " Q. Aren't you familiar with that principle of constitutional law that when private prop-

erty is taken for public use there must be due compensation?")
 A. If I remember rightly, the word in the Constitution is "just compensation." I do not know whether it is "just" or "due." I know the clause to which you refer.

The Chairman.— Now proceed with the answer.

The Witness.— I thought I had answered the question, that I was familiar with that provision of the Constitution.

By Mr. Sutherland:

Q. Do the Socialists interpret that clause in a way which differs from the interpretation which has been placed upon it by the courts of the United States, or in the State of New York, or aren't you familiar with that interpretation? A. I cannot pretend to be familiar with all the interpretations that may have been made by the courts.

Q. Suppose we say — A. If you will define it, perhaps I may be able to answer.

Q. Suppose we say it is an equivalent in private property measured ordinarily by the money standard,— allow that to go for my notion of what just compensation means,— compensation in private property, for private property, taken for public use. A. Well, in two great cases to which I have already referred twice this morning, private property to the extent of billions of dollars has been wiped out by legal and constitutional action without, after all, any compensation at all; the greater case was that where private property theretofore reorganized under the laws of the Constitution, as interpreted repeatedly by Congress, down to and including the Dred Scott decision, for instance, was just wiped out to the extent of, I believe, between three and four thousand millions of dollars, and the second case,— I do not know the extent of the property interests that have been destroyed, — by the Prohibition amendment.

By Assemblyman Cuvillier:

Q. Mr. Lee, the Prohibition proposition was a license, not a right; do you recognize that it was a license of the government, and why do you make that statement? A. I suppose the business of making and trading in the use of alcoholic liquors has existed much longer than the business of operating steam engines and coal mines, and so forth. I do not know why one was not a

right just as much as the other, or why one was not just as legitimate a property interest as the other.

By Mr. Sutherland:

Q. Now, Mr. Lee, if I may pursue the line of questions for a moment with you — A. Delighted.

Q. Were you speaking of the loss of property right when slavery was abolished, and what you deemed the loss of a property right when Prohibition became effective as prophetic or symbolic of what would happen to the owners of private property when the Socialistic state takes over their property for public use and operation? A. I am glad you asked the question, Judge, because it will help to make it quite clear. When in 1860 —

Q. Oh, please, now, answer the question.

The Chairman. — Repeat the question.

(Question repeated by the reporter.)

A. If you mean that I have to answer that with a “yes” or “no”, I can’t answer it.

The Chairman. — Well, answer, but make it brief.

The Witness. — Referring then to the one case —

Mr. Sutherland. — I will withdraw the question in order to save time, Mr. Chairman. It seems as though it can be answered yes or no.

The Witness. — It would have been answered before this if you had allowed me, Judge.

By Mr. Sutherland:

Q. Go to it, then. A. When in 1860 the Republican Party through a plurality vote gained control, that is, gained the right to take control on the 4th of March following, of the Executive and Legislative branches of the United States Government during 1860–1861, every effort was made by the leaders of the Republican anti-slavery party to bring the slave holding class of the United States, and its political representatives, to an assent in the expressed will of the people, and the Republican Party, including Mr. Lincoln himself, the President-elect, were willing to provide for legislation that would have gradually emancipated the three or four millions of slaves, and that would have provided, what they considered, a very generous compensation to the owners of the

slaves emancipated. I suppose it is a plain historic fact that it was the refusal of the slaveholding class to bow to the expressed will of the people that resulted in their not being compensated for the property that had been taken away from them. Now, in so far as an event of past history may be instructive for future history, I consider that an instructive example.

By Mr. Sutherland:

Q. May I call your attention to the fact that the property in slaves was taken by the government as an act of war? A. Pardon me, it was not. It was an act of war that the Emancipation Proclamation was issued, and that did not affect all the slaves, nor did it abolish slavery. The abolition of slavery was carried out through the Thirteenth Amendment, I think you will remember, Judge.

By Assemblyman Cuvillier:

Q. Was that act of Congress ever passed to compensate the owners of slaves? A. To compensate the owners?

(Discussion off the record).

By Mr. Sutherland:

Q. Do you agree with Mr. Debs when he says that the Socialist Republic will not be brought about by votes? A. I would have to see that statement and know the context in which it stood.

Q. Here is the sentence: "You will never vote in the Socialist Republic." A. I would have to consider that in the whole context. I do not know what the point of that remark is.

Q. Well, I will read two or three sentences: "What you need is to organize not along curved lines but along revolutionary industrial lines (applause). You will never vote in a Socialist Republic" ? A. Is that the end of the speech?

Q. Oh, no, there are pages of the speech. Do you agree with that idea? A. I take it, guessing the context from knowing Mr. Debs' opinions in general, I take it that the expression is one that I would agree to.

Q. May I recur to a former question and ask you how the public could get the money to return compensation to individual owners for all the great industries of this country, if they were taken over? A. I suppose we might make a very good bargain of that and I suppose that if, when the time comes, as I hope, as

all Socialists would desire, the expressed will of the lawful majority or plurality of the people is acceded to, they would be very glad to make such compensation as would provide for the existing generation of capitalists and provide for them a very comfortable and leisurely existence if they prefer to remain during the rest of their lives as parasites upon society, and that the working class would make a very good bargain by so buying them out.

Q. Yes.

Assemblyman Rowe.— Where would they get the money?

The Witness.— The simple waste of capitalist competition would be in itself adequate to provide the money. I think there would be no question that the waste of capitalists is in amount even greater than the whole of what we Socialists call the surplus value appropriated by capitalists in the form of profit, rent and interest, and that the social organization of industry, eliminating that waste, would provide the funds you refer to.

By Mr. Sutherland:

Q. Mr. Lee, you haven't any conscientious scruples or basic principle against taking private property without compensation, have you, as a party? A. I suppose we have about the same conscientious scruples, or, what was it, basic principles, in this matter that we have in general, of desiring to carry out the mission of the Socialist party as the representative of the working class in a peaceful, orderly, lawful, constitutional way. I don't know why that isn't basic and conscientious.

Q. Are you led to contemplate a possibility of paying compensation for private property taken over in this social revolution by any constitutional protection which they now have, the capitalists now have? A. Why, I suppose that is an element in it.

Q. Yes. You know that the Constitution of the United States provides that the public debt shall not be questioned, do you not? A. I don't think you are quoting verbally.

Q. But that is the idea, isn't it, in the United States Constitution? A. Of course, I would be surer if you would quote the clause accurately. I am never quite sure whether loose quotations may not be found to carry some meaning I didn't intend.

By Mr. Sutherland:

Q. "Validity of the public debt of the United States, authorized by law, including debts incurred for payment of nations and

bounties; for services in suppressing insurrection or rebellion shall not be questioned." Now, were you one of the drafters of the party platform of 1917? A. I was a member of the convention and a member of the committee.

Q. On platforms? A. Yes.

Q. Did you sign it? A. I suppose I did. I don't remember the physical act of signing. That does not matter.

Q. You voted for it, did you not? A. Yes.

Q. And that platform pledged the Socialist party to the repudiation of the national war debt, did it not? A. It did.

By Assemblyman Cuvillier:

Q. You said you supposed you did. Did you or did you not sign it, yes or no? A. I don't remember.

Q. Yes or no? A. I don't remember, Assemblyman, whether I physically signed it; but, as I stated to the judge, I supported it.

Q. Did you sign it or not? A. I don't remember whether I signed it, and whether I did or not is not of the slightest importance because I stood for it whether I did or not.

Q. It is of great importance to the Committee. A. I don't know. It is very likely I did. I don't know.

By Mr. Sutherland:

Q. Do you know that there are around twenty millions of Americans who bought Liberty Bonds during the war? A. It is very likely. I know there were very large numbers. I don't know the number.

Q. Do you want to say anything more about that repudiation of national war debts? A. No, I don't think there is anything more to add there.

Q. I do not care to ask anything more about it. Now, let me read a sentence or two from Mr. Debs, and you tell me whether this sounds like paying the owners of the mines for the mines that are taken over, giving them compensation, as provided by the Constitution, for their mines: "We Socialists say 'take possession of the mines in the name of the public (applause); set the miners at work; given every miner that production of all the coal he produces.'" Does that sound like taking them over by due process of law and giving them a money equivalent for the mines that are taken over by the Socialist state? A. Oh, it is not inconsistent with it.

Q. You do not think so? A. No.

Q. Do you think it sounds as if that was in Debs' mind at the particular moment when he spoke there, now? A. I am not a mindreader at such long distance. I say that the utterance which you have quoted there — and I supposed correctly quoted — is not inconsistent with what I have said.

Q. Are you desirous now of being understood as saying that the Socialist party is in favor of Trade Unions? A. By all means.

Q. Let me read these two sentences from your candidate for President, Mr. Debs: "The trade union is outgrown and its survival is an unmitigated evil to the working class. Craft unionism is not only impotent but a crime against the workers." A. The word trade-unionism is sometimes used — it is synonymous, and he uses it very evidently as synonymous with craft-unionism. When you used it a little while ago I supposed you used it in the proper sense, labor organization, labor unionism in general. Mr. Debs, I take it, in that speech or writing, whatever it may be, was discussing the forms of organization and methods of action of labor unions, and he spoke of the craft unions, those which divide the organized workers into a vast number of small organizations relatively impotent in most cases and working at cross-purposes. He spoke of that in contrast to a modern industrial organization which would protect the workers in an effective manner in great industrial unions.

Q. There is a positive hostility, isn't there, on Mr. Debs' part, toward the American Federation under its present leadership, or, rather, against the present leaders of the American Federation? A. So far as I know, Mr. Debs has very little respect for a good many, at any rate, of the foremost men in the American Federation of Labor. I agree with him in that I consider them inefficient and bad leaders.

Q. Do you agree with this: "The I. W. W. are fighting the fight of the bottom dog, and for the reason that Gompers is loved and glorified by Wall Street, Bill Hayward is despised and denounced by the same gang". Do you agree with that? A. I should say I agree pretty fully with that. That does not carry with it an agreement on my part to all of Mr. Hayward's views. The I. W. W. was, in most cases, — I don't know what he refers to there — an organization of some of the worst exploited types of wageworkers who had been badly neglected by the American Federation of Labor.

By Mr. Conboy:

Q. In your judgment, Mr. Lee, is the Socialist party of America more concerned with bringing about its program than it is with the tactics by which that program is to be brought about?

A. If you will pardon me, Mr. Conboy, the question seems to me a meaningless one. Was I more concerned last night in getting to Albany, or in getting the train to come to Albany? It was by getting the train that I came to Albany and I took the train in order to come to Albany. The means imply the end. They have no reference except to the end. I cannot say that one concerns us more than the other. The two go together.

Q. What do you conceive to be the end and purpose of the Socialist party of America? A. The end and purpose of the Socialist party of America, as of the Socialist party anywhere else, is to bring about a classless society, a society in which there shall be open to all the fullest and freest opportunities for the development of their individuality, a society in which no persons, no class, shall be able to live at the expense of other persons or of another class, a society free from such property institutions as give to a part of the people control over the lives of the rest of the people, and as a means of thus doing away with class division, class rule and class struggle, characteristic of the evils of capitalism, we aim at the social ownership and control of the socially necessary means of production, transportation and exchange.

Q. You have stated the end or goal of the Socialist party of America; now, there may be a number of means by which it may be obtained, Mr. Lee. I think you will concede that, won't you? A. Yes, it would be a possibility.

By Mr. Conboy:

Q. We have already had the testimony under inquiry from Mr. Hillquit of the national secretary that there is allowable to members within the party considerable latitude in the expression of opinion as to tactics? A. Oh yes. Otherwise, we would not be able to determine our tactics intelligently by discussion among ourselves.

Q. That is true. Now, it is within the possibilities that one of the means by which this goal or end which you have so beautifully stated could be accomplished would be force and violence. That is true, isn't it? A. It is a conceivable thing if that is what you mean.

Q. It is a conceivable thing? A. Various other things are conceivable.

Q. I direct your attention to the language of the war program of the Socialist party of April, 1917: "The only struggle which would justify the workers in taking up arms is the great struggle of the working class of the world to free itself from economic exploitation and political oppression," and I ask you if that is not a statement on the part of the Socialist Party of America in its formal pronouncement as to war program, that the only struggle in which workers would be justified in taking up arms at all would be this struggle to bring about the end that you have spoken of. Am I not correct in my statement as to the purpose of that pronouncement in your platform? A. I believe you have repeated the same words and say these words are the same as those words.

Q. And you agree with that, don't you? A. Yes.

Q. Now, there isn't any question in your mind, is there, Mr. Lee, that if conditions were ripe in this country for it, the workers should take up arms to bring about this goal which you have spoken of? A. If conditions were ripe in this country? Let me get that. There is no question in my mind —

The Chairman.— Read the question.

(The question was then read by the reporter.)

The Witness.— If conditions were ripe, which would mean among other things, the will of a majority, and I should say probably an overwhelming majority, of the people, to bring about those changes in question,— now you continually insist on my imagining circumstances.

Mr. Conboy.— I don't insist on anything.

The Witness.— All right. You continually suggest and want to know if I can conceive or imagine circumstances under which that can happen. Now ripe conditions would mean the will of the majority to bring that about. If that will of the majority should be obstructed by the force of a minority I should say that unquestionably the majority would and should use whatever power might be necessary to enforce its will upon the minority.

Assemblyman Harrington.— If that is true why do you, the minority, object if the now majority should use force to prevent you from becoming a majority?

The Witness.— Don't you see there is this difference. It is one thing for a minority to resist the will of the majority when expressed. It is another thing for a minority to try to make itself a majority by explaining its views, by bringing about discussion, by inciting thought, by trying to persuade other people to join it and make it into a majority. We don't try to put our views into effect and we do not object to the majority using force to prevent us from doing so. What we do object to is when the majority or the authorities in any case use force or other means to stifle discussions, to prevent the expression of opinion, to prevent even the ascertaining where the majority is.

The Chairman.— The trouble with your examination is twofold: Mr. Lee's answers are so complicated and extensive, and his mind is so active, and the minds of the committee and the Chairman so dense, that it is almost impossible for the Chair to get the substance of what you mean? A. I am sorry if I tangled you up.

The Chairman.— You did. I wanted to explain the difficulty I was laboring under.

Assemblyman Cuvillier.— The trouble is that the witness is an expert justifying Socialism, and I want to know the truth about it: I want to get the truth out of him, and I am bound to get the truth out of him; that's all.

By Assemblyman Evans:

Q. Mr. Lee, you said that when the majority desires Socialism and the minority opposes — A. If that should happen.

Q. Then force would be justifiable for the minority to establish its regime? A. Yes.

Q. How would you go about determining whether or not there was a majority in favor of establishing Socialism? A. Why, a very, very simple means is provided in our political system, if its provisions are lived up to through the opportunity for a discussion of public questions, in order that individuals may form their views, for the existence of political parties, to represent different views, for the people individually to go to the ballot box and cast their ballots, which one hopes will be honestly counted, and, if honestly counted, we know which are the majority and the representatives of which set of views are authorized to translate those views into laws.

Q. So long as the Socialist party remains a minority, in the legislative halls of Congress and the Legislatures, do you think the Socialist party is justified in still maintaining that a majority of the people are in favor of its form of government? A. Oh, I do not think — I am sure I have never claimed that, as yet, a majority of the American people are in favor of Socialism. I do not think I have ever heard a Socialist say such a thing as that. We do say that these views represent the interests of the working classes, who constitute the great majority of the people; and it is because we believe that, that we desire the opportunity for discussion to awaken it, which we are sure will convince the majority that it does represent their interest and the highest interests of humanity as a whole.

Q. Do you not think the way to determine whether the majority is with you is by the ballots cast at the last preceding election, and that any other view is unjustifiable? A. By the votes cast and efforts to create an impression from year to year in the minds of the people. There is no question that we Socialists are a minority yet. I am sure no Socialist claims otherwise in the United States.

By Mr. Conboy:

Q. I think the party, in its official or formal pronouncements, as well as in the statements made by its chief exponents, continuously refer to this as a capitalist government. Am I correct in that assumption? A. It is very likely; that phrase is used pretty often.

Q. And you recognize that you have just stated, in answer to Mr. Evans, that those who support what you are pleased to call a capitalistic government, are in the majority, at the present time? A. Yes, those who support the democratic and republican parties, which we consider capitalist parties, are in the majority.

Q. Now, so long as it remains what you call a capitalistic government — that is, until the time comes when it passes under the domination of the Socialist party of America — you refuse to support it, do you not? A. It depends on what, “refuse to support it” means.

Q. For instance, let me quote your language again, the war program of 1917. “In support of capitalism we will not willingly give a single life or a single dollar”? A. Yes.

Q. Now, by “capitalist government” you include the government of the United States. You have referred to it before as a

capitalistic government? A. A capitalistic government in the same sense as it is today a democratic government, and it was a few years ago a republican government, a government in the hands of the capitalists.

Q. And so long as it remains what you call a capitalist government, — that is, until the time when it passes into the hands of the Socialist party, you will not willingly give a single life or a single dollar for its support? A. When it is in support of a particular activity, such as war, that is exactly the position.

The Chairman. — He is entitled to an answer.

(Discussion off the record).

The Witness. — I will give it in words perhaps better than mine, the words of Daniel Webster, on a similar occasion in the year 1814, when the United States was at war, and when, speaking for himself and the Whig party, he said, “Disregarding some very distinguished examples, if war taxes are levied upon us, we will pay them. If our personal services are called for, we will render them to the precise degree that the law requires; but we will not yield our constitutional rights to criticise and to oppose the policies of the government, and, through public discussion and the machinery of the ballot, to bring our nation back to any peace and”—I think his word was “sanity.” Now, that is not absolutely, but very closely, his words. I think it is an excellent statement of our position on the matter I was questioned about.

Assemblyman Jenks.— You have given a statement of what Daniel Webster said on another occasion. Would you mind answering the question that was asked you?

The Witness.— With exactly those words.

Mr. Stedman.— Change the date.

The Witness.— Those words express the views of the Socialist party in 1917. They may be taken as a translation or summing up of that.

By Mr. Conboy:

Q. Do you recall any place where Daniel Webster ever said that so long as the government of the United States was in the hands of an opposite political party, he would not, nor would his party, willingly give a life or a dollar to support that government? A.

He said that very definitely when he said, "We will go to the precise limits that the law requires"; and, as a matter of fact, he and his party did definitely refuse to lend money or to promote loans for the government in a war which they declared to be an unconstitutional and unjust war.

Q. Now, which war are you speaking of? A. I am speaking now of the second war with England, the war of 1812-15, the war they referred to as the War of 1812. With regard to Daniel Webster, I am speaking of the war of 1812, and the words which were spoken in the year 1814.

Q. At that time Webster stated that, within the limits of the law, he would do what? A. He said, "If our services are required, we will render them to the precise degree that the law requires," or words closely like that. I know that the words "precise degree" are used. He voted against the war appropriations in Congress that year.

By Assemblyman Evans:

Q. Was not that the Mexican War? A. No, this was the war of 1812. Webster had things to say about the Mexican War of 1836 — and very similar things — at that time.

Q. When was Daniel Webster born? A. (No answer).

By Mr. Conboy:

Q. Now, Mr. Lee, does the Socialist party intend to support this capitalist government of the United States? A. What do you mean by "support," Mr. Conboy?

Q. What do you mean by it? A. All right, if you will leave it to me.

Q. I will leave it to you. Define the term. A. If you mean, for instance, members of the Socialist party in legislative bodies voting for appropriations, for any socialist voluntarily providing funds for war purposes, it is definitely the idea of the Socialist party not to give that voluntary support to the war policy of the government.

Q. And that policy was determined by the party in the United States before we went into the war at all, wasn't it? A. It was inconsistent with the general policy of the Socialist Party for years before, if that is what you mean.

Q. That is, the Socialist Party for years before the war had, as a matter of party declaration, insisted that it would not support this capitalist government, isn't that true? A. I do not know

where you will find just that declaration of that sort. If you mean that the Socialist Party in this country and in other countries as well hold a general position opposing war and militarism, and the granting of the means for war and militarism and so forth, my answer is yes.

Q. So that this policy of the Socialist Party in America, if it had been a successful policy, would have left the United States entirely unprepared both on sea and on land, would it not? A. You mean it would have been left without armies and navies?

Q. Yes, sir. A. The Socialist Party desires a world without armies and navies.

(Discussion off the record.)

Mr. Conboy.— I will withdraw that.

Q. But I want to ask you — I am not so much concerned with what the Socialist Party desires with respect to the world at large, but I am dealing particularly with the Socialist Party of America with respect to its effect upon the government of the United States. A. But, Mr. Conboy, the United States is part of the world at large, and the Socialist movement in the United States is part of the population of the world at large. The Socialist Party in all countries have those same general aims, and I do not know any way in which, if every country in the world should go on building the biggest armies and navies, you could have a world without armies and navies.

Q. Back in 1915 Germany was very well prepared with armies and navies, wasn't it? A. All European countries were, including Germany as one.

Q. And at that time, in May of that year, in May of the year 1915 when every European country was prepared with armies and navies and the war was going on, the national committee of the Socialist Party at its meeting in May of 1915, formulated a new section to the constitution of the party which was later ratified in a referendum of the membership by a vote of 11,041 for and 782 against as follows: "Article 2, Section 7. Any member of the Socialist party elected to an office who shall in any way vote to appropriate moneys for military or naval purposes or war shall be expelled from the party." A. At that particular time the already well-established attitude of the Socialist Party of opposition to war militarism and all means of war and militarism was in that way particularly, emphatically, declared in view of what

we considered then the particular danger, a danger that we had not confronted to such an extent at any time before, of a wave of militaristic activity in this country. Our apprehensions were well founded.

Q. And if that policy of the party had been successful, we would have been utterly unprepared in 1917? A. If that policy had been successful we would have remained after 1915 a great nation free from militarism, setting an example to the world and able to appeal to the masses of all countries against their militaristic government. That is what we desired.

Q. But not in your judgment, Mr. Lee, a nation unable to put down a domestic insurrection or repel a foreign invasion? A. We have not had and have no reason to fear domestic insurrection nor invasion. The United States existed for a very long time and very happily without a great army and a great navy; I am convinced more happily than the nations which had them. We have kept out of war whereas the nations prepared for war got into it.

Assemblyman Evans. — Isn't that question capable of a direct answer yes or no in your opinion?

The Witness. — The question as to whether we would have been unprepared?

Assemblyman Evans. — Yes.

The Witness.— In the sense in which I have answered it I will answer yes.

Assemblyman Evans. — Is there any reason why you should be afraid to answer yes or no in view of your explanations given?

The Witness. — I don't want to give an answer which can then be given an interpretation different from what I intended by it.

By Mr. Hillquit:

Q. Now, Mr. Lee, in response to Judge Sutherland, I believe you said that you, generally speaking, stood for what you assumed was the contents or substance of Mr. Debs' speech. The Judge I believe called your attention to the specific statement, to the fact that the Socialist commonwealth would not be voted in. Do you say that you endorse this statement standing alone and outside of the context with other statements in the speech? A. Standing alone and by itself, no. That is why I tried to get the context fully enough to know what were the connections.

Q. If it was intended by that question to bring out an answer clearly as to whether or not the Socialist party anticipated ushering in the Socialist changes by non-political means, by means of violence, what would your answer be? A. If I understood that to be Mr. Debs' meaning I do not agree with it, nor do the Socialists of the United States as a whole agree with it.

Q. You have also been asked on the assumption that Socialists would not resort, if in power, to confiscation where the money would come from. I suppose the member of the committee who asked the question had in view the technical processes. Is it a generally accepted Socialist notion that in such event the country, nation or state, as the case may be, that would take over such industries would not compensate the owners say by the issuance of bonds which could be retired from the profits of the industry within a certain time? A. That is a method which could be used.

Q. In this connection, Mr. Lee, you were asked, your attention having been called to a provision of the State Constitution of the State of New York prohibiting the taking of private property for public uses without just compensation, and I will ask you whether you know of any authoritative socialist expression aiming at the violation of this provision? A. I do not.

Q. Has the Socialist party nationally, through any state organization, or locally, or through any authorized publication, ever expressed an intention of taking property for public uses without just compensation or without compensation at all? A. I do not know of any such declaration and I suppose I should know of it if there were one.

Q. You were also examined with reference to the plank in the St. Louis platform of 1917, which was subsequently eliminated by the National Executive Committee for the repudiation of war debts, and I will ask you whether at the time that plank was adopted and voted for there were any outstanding Liberty Bonds? A. There were not.

Q. No Liberty Bonds had been issued at that time? A. Not at that time.

Q. And by the time the war issued that clause was eliminated, was it? A. It was.

Q. I will now ask you this question: At the time the clause was adopted was it, as Judge Sutherland put it, a pledge by the Socialist party that it, the Socialist party, would repudiate the war debts, or was it merely a measure advocated and not inconsistent

with its being carried out by proper constitutional means, by means of a proper constitutional amendment?

Mr. Sutherland.— If the Chairman would have that question read, I think in all probability it would be excluded.

(Question repeated.)

The Chairman.— You may answer.

A. Of course, it was a part of such a proposed program, proposed to the American people, and which the Socialist party urged upon the American people. It was not, of course, a pledge of what the Socialist party was going to do.

Q. Turning to your cross-examination by Mr. Conboy, your answer, I believe, in reply to one of his questions was that the Socialist change is conceivably accomplished by force and violence; what do you mean by that expression, "conceivably," in connection with your answer? A. I mean that I can conceive of conditions — I will be really repeating an answer that I have given more than once before — I can conceive of conditions where the will of most of the people would be resisted by a minority and where force and violence would consequently have to be used to overcome such forcible resistance. I cannot conceive, let me say, of Socialism being forced upon the people by a minority. I cannot conceive of a people having liberty forced upon them against their will. It is when the working class, when the majority of the people, because the working class are the majority —

The Chairman.— Why do you say that? How do you make that out? Here you have stated in your testimony that the population of the United States was approximately one hundred million, and the working class that you refer to is fifteen millions.

The Witness.— But you must count in their wives and children. I counted on the average only two dependents, and I am speaking of the time when the population was a little over ninety-two millions. Today the number of workers would unquestionably be about twenty millions, and counting their families it would be I guess about sixty millions.

The Chairman.— If you multiply the other fellow's wives and children you will have the same ratio.

The Witness.— It is based on the number of persons actually working, and you have to add the wives and children. We have a slight majority now.

The Chairman.— Excuse me for breaking in. I won't interrupt any more.

By Mr. Hillquit:

Q. Well now, Mr. Lee, that answer of yours was somewhat hypothetical. I should like you to state definitely and concretely this: Does the Socialist Party expect to accomplish its proposed changes by violence? A. It does not.

Q. Does the Socialist party suffer any such expression among its ranks? A. It does not.

Q. Does the Socialist party by its constitution definitely and distinctly require of its members a belief and practice of political action as a measure of accomplishment of its aims? A. It does. It holds that people who do not accept it have no place within the Socialist Party.

Q. Then in the hypothesis that you stated you presuppose a Socialist majority expressed at the ballot box, don't you? A. We do.

Q. That expression of the majority at the ballot box would constitute the Socialist victory, would it not? A. Yes, sir.

Q. In any subsequent question whether a minority would try to obstruct and so on is purely academic, isn't it? A. I hope so.

Q. At any rate? A. It is.

Q. The Socialist program contemplates the acquisition of political power by political means, is that correct? A. It does.

Q. Does that statement of yours contradict the statement in the St. Louis platform which Mr. Conboy read to you that the only struggle which would justify workers in taking up arms would be the struggle for the economic and political emancipation? A. The two are not contradictory.

Q. Referring to the second St. Louis manifesto sentence which Mr. Conboy read, would you interpret it, or as far as you know, does the Socialist party or the Socialists interpret it as meaning that a minority of the working class might or should at any time take up arms against the majority of the people of the United States to secure their economic or political emancipation? A. The Socialist party and the spokesman of the Socialist party, prominent and not prominent, expressly, and I think on every

occasion when they can, repudiate that interpretation, and they have occasion to repudiate it, because our opponents attribute it to us; try to put that interpretation on it from time to time. We lose no opportunity to repudiate that misinterpretation of our position.

Q. Now, Mr. Lee, in reply to another question on the part of Mr. Conboy, you said, I believe, that one of the conditions which would be required for the establishment of Socialism would be that the country be ripe for Socialism, which in its turn would imply that a majority of the people desired a Socialist regime; is that correct? A. Yes.

Q. In such case I will ask you, under our constitution and laws, is there, or would there be, any occasion for the exercise of violence? A. I do not see where the occasion would arise.

Q. And the majority of the people being in favor of Socialism could vote Socialism by constitutional methods, could they not? A. They have that political power.

Assemblyman Evans.—That is not so.

Mr. Hillquit.—Then go ahead, I would like to have your objection.

Assemblyman Evans.—You know the majority of the people of the United States could not vote Socialism.

The Witness.—Why not? I do not know that.

By Mr. Hillquit:

Q. What Mr. Evans probably means is that in order to introduce Socialism it would require a constitutional amendment which takes more than a majority. A. Or sometimes less.

Q. Or sometimes less, but requires a certain process. Now, I will ask you when you speak about the ripeness of conditions for Socialism, you mean, among other things, the presence of such number of American citizens friendly to Socialism as is required for the purpose of the proper constitutional amendments and enactment of proper laws? A. I mean that among other things.

Q. Among other conditions? A. As long as there are conditions which would make the country ripe for Socialism, it is only one of them.

Q. Now, in answer to a question asked by a member of this Committee, you attempted, I believe, to state our conception of the respective rights of minorities and majorities? A. Rather unsuccessfully, it seems.

Q. Well, now, I will ask you this, Mr. Lee: Do the Socialists in the United States accept the principles of democracy in politics as one of our principles? A. We do want that realized to the limit.

Q. And is that the reason why the movement is known generally by the name of Social Democratic? A. Yes.

Q. Under that conception, Mr. Lee, would the Socialists proceed upon the assumption that the will of the people at all times to be expressed by the majority and the minorities to submit? A. The minority is to submit, to obey the law, yes.

Q. At the same time retaining the right of dissent, of protest and of efforts to convert the majority to its views, is that correct? A. That was the point I tried to bring out.

Q. Would you under this conception say a Socialist majority in the Assembly in the State of New York, or in any legislative body, coerced or attempted to coerce a minority, not merely in the performance of the laws adopted by the majority, but in the acceptance of the views of the Socialist majority? A. I am confident that it would not. I cannot conceive of the Socialist majority so acting.

Q. Does the Socialist Party in its own work and in its own ranks exact from the minority obedience to the party majority? A. Obedience to the decision and the actions of the majority.

Q. And does it afford them full liberty to entertain minority views and to attempt to convert the majority to their views? A. And gives them the largest opportunity within party circles and the party press, so that they may try, if they can, to become a majority of the party.

Q. Is this the Socialist attitude towards politics and rights of the majority and minority parties, generally? A. It is. We hold the two things come together. The duty of the minority to comply with the majority as expressed in all, and the right of the minority to criticize, protest, to put forward new ideas, to try to win the majority to its side. Unless these two come together you cannot have free government without both.

Q. Is it upon this assumption that we Socialists claim the right, for instance, to representation in this Assembly, although freely admitted, our dissent and disagreement with the views of the prevailing party in such Assembly? A. Certainly so.

Q. And is it likewise upon this basis that we assume that an Assembly consisting of a majority of Socialists would admit dissenting Democrats or Republicans? A. Yes.

Q. Now, Mr. Lee, in this connection, Mr. Conboy has read incompletely, I believe, a statement from the St. Louis Manifesto which he has interpreted as meaning that we Socialists will refuse all support to capitalist governments on any measure of any kind. A. I tried to point that out in my answer, that it had no such broad meaning.

Q. Let me ask you this: We Socialists consider the parties in power, the two large parties as you stated, I believe, as capitalist parties. A. They do.

Q. That is as the party's attitude to the present system which we call the capitalist system, is that correct? A. That is correct.

Q. And the government of the United States, and the various States, as represented by those parties, likewise capitalist governments? A. It is considered in that sense a capitalist government.

Q. To hold that any of these governments, national or State, would introduce such a measure as, say, the old age pension, or workingmen's compensation, or factory inspection for the health of the workers and so on, would we, as Socialists, oppose these capitalist governments in such measures? A. On the contrary we, within the existing government, where we are represented in the legislative bodies, or through propaganda, public advocacy where we are not represented, promote such measures and would loyally and energetically support, not only their enactment, but their enforcement,—their administration.

Q. When we speak of opposition to capitalist government it is to specific measures? A. It is in this case.

Q. Namely? A. To the war policy of the government in the year 1917.

Q. That was the only reference in connection with which that sentence occurs in the St. Louis manifesto? A. That was the connection.

Q. And there is no such statement to the effect that we will oppose capitalist government in every measure at all times? A. Certainly not.

Q. Mr. Conboy also brought out in answer to his hypothetical question, that if the Socialist policy in the United States had been adopted by the people at large, the United States would not have been armed in 1917. That is the Socialist party concept? A. That is true.

Q. The Socialist party was opposed to armaments? A. The Socialist party was opposed to armaments.

Q. And opposed to the United States entering the war?
A. Yes.

Q. And did not consider the entry of the United States in the war for the benefit of the people? A. Certainly, that is correct.

Assemblyman Rowe.— Isn't it a fact that the Socialist majority in Russia executed and imprisoned thousands of the minority or the capitalist class because of their participation in the so-called revolution?

The Witness.— Oh! You see, there is an illustration of what I said. I have no doubt that a considerable number of persons have been executed under the Soviet regime since its existence in the fall of 1917 for participation in attempted insurrections or plots and conspiracies, in some cases having for their purpose assassination of the People's Commissars, and that men were actually shot and were shot at more than once. I know from the books and papers, and so forth, that there have been some considerable number of such reactionary plotters and leaders of armed insurrection against the Russian government, executed.

Assemblyman Rowe.— Do you believe in the use of force and violence to take care of those people?

The Witness.— I said that already. I don't know of any one having been executed or put in prison or otherwise punished for having advocated views contrary to those of the Soviet Government. That is the distinction I made—the freedom to express views, to try to win over to some one's opinion while in the minority.

Assemblyman Rowe.— But your theory would hold good in this country that any organization should use force or violence?

The Witness.— It is exceedingly likely that some of them would get shot or hanged or electrocuted, or otherwise put to death. That would be exceedingly likely.

Assemblyman Evans.— Do you regard the Prohibition Amendment as a precedent by which private property might be legally confiscated without due process of law?

The Witness.— Well, so far as any adjudication goes so far, I believe it is considered to be a due process of law.

The Chairman.— Recess until 4:05 o'clock.

(Whereupon, at 3:50 o'clock P. M., a recess was taken until 4:05 o'clock P. M.)

AFTER RECESS, 4:07 P. M.

NORMAN THOMAS, called on behalf of Assemblymen, and sworn, testified as follows:

Direct-examination by Mr. Stedman:

Q. What is your name? A. Norman Thomas.

Q. Where do you live? A. 221 East 17th street, New York city.

Q. What is your business or profession? A. I am a clergyman by profession.

Q. What denomination? A. Presbyterian.

Q. When were you ordained? A. In January, 1911.

Q. What institutions did you graduate from? A. I am a graduate of Princeton University and of the Union Theological Seminary.

Q. Where have you officiated? A. I have been the assistant pastor of the Brick Presbyterian Church, Fifth avenue and 37th street, the East Harlem Presbyterian Church, and while acting as pastor there, I was the head of the American Parish of the Presbyterian Church, which is an association of churches working in the poor parts of the upper East Side.

Q. What is your work at the present time? A. I am at the present time editor of the "World Tomorrow."

Q. Are you affiliated with any other organization of kindred character? A. Not now.

Q. What is the "World Tomorrow?" A. The "World Tomorrow" is a magazine which seeks to examine political and economic events in the light of what we believe to be the spirit of Jesus.

Q. How frequently is it published? A. Monthly.

Q. What is the address of this publication? A. 118 East 29th street.

Q. Are you affiliated with any political party? A. I am a member of the Socialist Party.

Q. How long have you been a member? A. Since sometime in October or November of 1918.

Q. Have you made any study of the subject of Socialism and economics with special relation to the religious opinions and beliefs and with relation to Christianity? A. Yes, sir.

Q. How long a period of time did this cover? A. I have been more or less interested in the matter ever since I was in college, almost fifteen years now.

Q. Will you state your opinion of an antagonism, if there is any, between Socialism and religion? A. There is in my judgment no essential antagonism whatsoever between them. As a matter of fact, the American Socialist Party has specifically adopted a neutral stand on religion, taking the position that religion was a matter for the individual. That was done in 1908, and that particular act has never been repealed or altered in any way. It is my own personal belief, after much study, that the most effective way of carrying out the Christian ethics would be in connection with the co-operative commonwealth, which is the goal of Socialism.

Q. Why do you draw that conclusion? Please explain your reason for it? A. As I have already said, for some years I was pastor of a church and head of a somewhat religious and social work in a very poor part of New York City. I came to the conclusion that it was extraordinarily difficult under the existing economic structure for men and women of any class to carry out the ethics of Jesus. Now, I don't want to be misunderstood. I am not arguing that Jesus was a Socialist. That would be highly unhistoric and unscientific. Socialism, as the economic theory, is one based in connection with machine production. I am saying there were certain very definite ethical principles set forth in the Bible, in the New Testament. They are very searching principles, as I came to feel as time went on. Jesus had much to say, much that was harsh to say, upon the difficulty of the rich man entering the Kingdom of God. His rule of life was doing unto others what you would have them do unto you. The bitterest woes were those which laid heavy burdens on the backs of the poor and robbed widows' houses and for a pretense, gave long prayers. The early Christian Church was communistic. Paul told his friends that those who would not work should not eat, a principle that anticipates somewhat some of the things that are ascribed, perhaps not quite truly, to Lenine at the present time. I came to

feel that life, in a civilized world, it was not possible, even, to tell whether the very clothes we wore were not to some degree almost literally wet with the blood and tears of some exploited workers. I saw men and women in my parish living on less than a living wage, as that wage was computed not by Socialists but by economists. I saw children stunted in size and in the growth of body and mind and soul by that system. I know that twenty per cent. of the children of the world's richest city, New York, are below the line of proper nutrition. I saw in my church work that it was impossible for men to work long hours as cogs of machinery and attain unto the dignity of self-government in Church and State that were desirable. I myself saw many whom I loved walled about in the expression of what seemed to be the ethics of Jesus, or the law or system of production for profit, of a system which created classes; classes not determined by man's abilities or character primarily, but by economic studies. These things made a very great impression on me as time went on. I finally came to believe that the attainment of what seemed to me to be the ethics of Jesus required the reconstruction, the revolutionary reconstruction, if you will, of our system. Paul taught that we are all brothers; he wiped out laws, class and creed. And so, rather reluctantly, I came to the position that on the whole, I am not giving a total endorsement — but on the whole the best way of attaining a world wherein it would be possible to live according to this ethical system, a world where in peace and the well being, of men, women and children would be realizable, would be the kind of world which might be attained by the Socialist economics.

Q. Do you regard socialism as incompatible with morality?
A. Not in the least.

Q. Will you state why? A. I have found in my experience that a great deal of what passes for immorality, justly passes for immorality, is the almost inevitable result of certain conditions. There is a saying about one of the great old questions — I think it was John Bunyan — to the effect he once watched a condemned criminal and said, "There but for the grace of God goes John Bunyan", and I think something of the same sort can be said for those of us who have been comfortable most of our lives, had good homes and surroundings, about a great deal of the moral failure we see. I have watched how impossible it is to keep high moral standards for your children in two or three room tenements, when the street was the necessary playground. I have watched

how impossible it is for men to do in their business life the things they would like to do because they were faced with the inexorable necessity of earning a living. Therefore, it has seemed to me, that, as a matter of fact, it was the present order that made morality quite difficult; that made the home far less beautiful than it ought to be; that at least encouraged such terrible social vices as prostitution and the like; and I beg you to believe that that was the result of some years of pretty intimate observation of the conditions in the world's greatest and largest city.

By Mr. Stedman:

Q. Do you regard Socialism as incompatible with a family?

A. No, in no way.

Q. Will you state why? A. I would rather answer the question in relation to why anybody should think it was incompatible with a family.

Q. It has been suggested in the proceedings here, by Mr. Collins, that it was, and we could not ask them the question; that it was destructive of the family ties. That is one of the charges made against Socialism. A. I had the misfortune not to hear Mr. Collins.

Q. That is even in the charges, not only in his testimony. That is the elucidation against us. A. It is true, I suppose, that there are individual Socialists who, observing the cruelty which has sometimes accompanied certain features of the family tie — the subordination — the unjust subordination of the woman to the man, as is still the law, not so much in America, as in foreign countries, or was until recently; it is true that such Socialists have perhaps here and there gone to the extent of seeming to denounce the family. I have had much experience in attending Socialist meetings in America. I have spoken at many of them, and I can simply bear testimony to this positive fact: that I have never heard the family, as a family, denounced; that I have never seen any sign that Socialism was interested in destroying the family; that in many cases to my personal knowledge Socialism was really an added bond between husband and wife, because there was a kind of comradeship which supplemented the family tie itself. I have heard criticism by teachers of the family life, in Socialist meetings; but this is my positive testimony on that point.

Q. Do you know of many clergymen who are Socialists? A. I do not know of any very great number of clergymen who are Socialists. There is in the Protestant Episcopal Church a society known as the Church Socialist League, whose president is Bishop Paul Jones, formerly Missionary Bishop of the Diocese of Utah. I do not know its membership. Its members are all Socialists, most of them I suppose members of the Socialist party. I know individual members of other churches, ministers, who are Socialists. One of the most recent Socialist thinkers in the Protestant church is Dr. Rauschenbusch, of Rochester, who is a Socialist. Whether he is a member of the party or not I don't know. Miss Theda Scudder, author of a book of character which might be well read in connection with Mr. Collins' testimony, is a Socialist and a devout Episcopalian.

Mr. Block.— She is a professor in Wellesley College?

The Witness. — She is a professor in Wellesley College.

If I may go on, not merely here in America, but in other countries, in England, there is a Church Socialist Society of considerable strength within the Established Church. The British Labor Party, affiliated with the Second International, contains a great many clergymen, especially the independent clergymen in England, who are proud of their connection with it. I find that even in the Catholic Church itself there is a distinct minority which is becoming increasingly favorable to Socialism, and in connection with another matter I happened to be looking up some literature on Ireland and I came across this pamphlet called "Economic Discontent," by the Reverend Father Hagerty, published in the Fifth edition, 1912, by the Catholic Socialist Society of Glasgow. I find this Society advertises itself as the Catholic Socialist Society and was formed in Glasgow in October, 1906. Membership is confined to practising Catholics. Its object is to propagate socialist views among Catholics. I know nothing more about the society than the existence of that pamphlet. I found another interesting document called "Toward the Republic," a study on New World Socialism, by Adoh S. Blacam. I have been very much interested. It is distinctly Socialistic. The author is connected with the Irish Labor Party, which is connected with the Second International. The arguments are learnedly and to me convincingly presented that the present capitalistic system is wholly contrary to the efforts of the medieval church fathers.

For instance, he takes up the matter of the "just price" and shows how Catholicism has opposed the doctrine of the just price, and shows how it has upset the ancient teaching of the church on the illegality of usury. I hardly want to go on. I merely state it as proving that there is a body of opinion, not large, I assume, in many cases quite small, but a body of opinion that is genuine in the church world today which is distinctly friendly to Socialist economic teaching.

Q. You are familiar, are you not with the Socialist press in a general way? A. Yes.

Q. Has the Socialist press, party or members, carried on propaganda against religion? A. Not in the United States.

Q. Your theory is that Socialism will develop opportunities for family, family life, support and maintenance, and the development and growth of children? A. My theory is as you have stated it. I found some confirmation of it, if I may be allowed to do that, in the fact that Captain Pettit, a friend of mine, who was in Russia with the Bullett Commission, reported that prostitution had entirely disappeared from the streets of Petrograd, whereas in the old regime with which he was familiar, it was very common there.

Q. Is it the Socialist aim to influence the church? A. Mr. Chairman, that is a hard question to answer. I do not think any real honor is done to the church by bringing that question in, because it seems to me that an American, yes, any Christian of the free church and free state makes it quite immaterial in a political assembly to ask whether or not the influence of the party is favorable or not favorable to the church—I rather resent such a question being put. America has always honored in her early struggle for independence men who were loyal to America. We know the religious views of Franklin and Tom Payne and they were good American patriots.

Q. I know, but you know that was one hundred years ago. We are now at this time where we are charged with it. We are not dealing with Franklin's time. A. I wish we were.

Q. I quite agree with you, but at the present time it is important. A. Then let me say, if I may answer the question.

The Chairman. — What proof is there in here about that?

Mr. Hillquit. — It is one of the charges; as far as I know there has been no specific proof except in the attempt of Mr. Collins was among other things that the Socialist party tends to under-

mine, I believe the expression, the influence of the church. That is one of the charges read by you, Mr. Chairman.

The Witness. — I think that it probably does tend to undermine the influence of the church. If you understand the church in a certain sense and in a certain way it does not undermine the influence of what ought to be dear to the church. I heard the other night Isaac Don Levine lecturing on Russia and I heard him say since the church was free from its old connection with Socialism, I think that can be counted on generally that Socialism, not as a theory, but that Socialists, and a great many people not Socialists, are antagonistic to the church. It is because they do not feel that the church stands for their interest; they do not feel the church has a real message to the heart of mankind; that it is no longer preaching the gospel of brotherhood, the gospel of looking out for the fatherless and the widow. There is some interesting testimony on that attitude, for example, we find in the diaries of the Earl of Shapsbury a very devout Christian,— he was trying to get legislation enacted which would take seven-year old children out of the coal mines and the spinning mills of England; and you will find in his diary such sentiments as these: “The clergy here as usual are cowed by capital and power, and I find none who spare all and spare not, but so it is. Two more clergymen, I am happy to say in their part have offered me assistance. Again last night pushed the bill through the committee, and favored a disagreeable opposition. Sinners were with me, saints against me. Strange contradiction in human nature.” The situation is this, that the church, the organized church has not been in the vanguard in abolishing slavery. It has not been in the vanguard in any great social reform. Do not misunderstand me, I think the principle of the church very imperfectly and inadequately have represented that these principles have had uncalculable — I think it is a mistake to charge the church with the crimes brought upon its head. The medieval church, for example, had a much finer ethic than is commonly recognized, but it remains true, so great has been the deliberation of all churches, that it is not to be wondered at that men who were suffering under oppression who found the clergy turned away from the church,— it is not to be wondered at that men who are interested in science, which is one of God’s own tools, that men interested in science should have turned away from the church that was opposed to it. In other words, I have no fear that the church that tries to work for the principles of a brotherhood

and truth will get along quite admirably with the Socialists or any other party that perfectly or imperfectly seeks the same end.

By Mr. Stedman:

Q. Then what you refer to is something peculiar to the Socialist party? A. No, I would say that I found among non-Socialists quite as bitter criticism of the church as I have ever found among Socialists.

Mr. Stedman.—Take the witness.

Cross-examination by Mr. Stevenson:

Q. Dr. Thomas, at the time of the declaration of war by the United States upon Germany, had you joined the Socialist party? A. I had not; no, sir.

Q. Do I understand that at that time you were an ardent advocate of military preparation on the part of the United States? A. I was not; no, sir.

Q. Do I understand that at the time that President Wilson called upon Congress to declare war upon Germany that you were in full sympathy with him? A. I was not; no, sir.

Q. Do I understand that subsequent to the declaration of war by the United States that you were active in securing recruits for the army of the United States in that war? A. May I say in reply to that question that perhaps I can save time by giving my position in full in the matter?

Q. Well, supposing you answer the question. A. I was not.

Q. Do I understand that you advocated the democratic principle of raising an army by conscription? A. I did not; I did not even think it democratic.

Q. You were at that time an officer, or member, of an organization known as the Fellowship of Reconciliation, were you not? A. I was at that time the secretary of that organization.

Q. And that organization was one which published a magazine known as "The World Tomorrow"? A. No, sir; the Fellowship established, as an independent agency, "The World Tomorrow". It did not control it.

Q. Then The World Tomorrow was established by the Fellowship of Reconciliation? A. You are right.

Q. And, at the same time, were you a director or member of the Committee which directed the policy of the National Civil Liberties Bureau? A. I was Vice Chairman of the National Civil Liberties Bureau.

Q. And the function of that Bureau, among other things, was the securing of releases from military duty of so-called conscientious objectors? A. It did not. It covered the guaranteeing of all possible democratic rights, and those who were charged under the conscription act as being conscientious objectors, and under the Espionage Act with breaches of the latter law, were advised. It was not an organization that existed to get men off military service, but to protect the rights that existed under the laws and orders of the United States Government in that connection. There is a difference.

Q. Do you remember a pamphlet published by the National Civil Liberties Bureau, outlining the department's policies and requirements for conscientious objectors? A. There were various pamphlets that had an allusion to it. Without seeing the pamphlet I could not tell. I know that such information from time to time was sent out, but I should like to see the pamphlet to identify it.

Q. Well, do you remember that from time to time your organization received letters from certain men who were coming up for examination before Draft Boards, asking what they should do in order to escape military service? A. I do not.

Q. You never saw any such letters? A. I was not in charge of the office work of the body. I know by information of men whom I trust that letters were received asking information as to the law with regard to conscientious objectors and others. This information was I believed furnished them.

Q. Do you remember that many members of the Socialist party wrote for information with respect to their claim for exemption on the ground that they were conscientious objectors? A. Some did, I have reason to believe; the majority, however, were members of religious sects, such as Quakers, Mennonites and the like.

Q. Was that true of the city of New York? A. I would have to look up the figures; I believe it was true even of the city of New York, but I am not certain on that point.

Q. Well, then, I understand you that the National Civil Liberties Bureau was to protect those whose civil liberties were conceived by you to be infringed by the existing authorities? A. That is correct.

Q. Well, would you consider if a man was an alien, and he was drafted, that in a case where he should not have been drafted, that his civil liberties were in any way interfered with? A. Surely; I think when an alien was drafted contrary to law,

it was the business of an organization such as the National Civil Liberties Bureau to see that the law was called to the attention of the proper authorities.

Q. Do you not remember that at a meeting of your committee that question was raised and it was decided that that did not come within the scope of the work of the National Civil Liberties Bureau? A. I do not remember; it may have happened; there were many meetings, and it is very difficult to remember the details.

Q. Were you not present at that particular meeting? A. I may have been; I would have to look up the minutes.

Q. Well, the minutes themselves would speak for what transpired? A. The minutes are doubtless correct, and I believe you have subpoenaed them, and you probably know.

Q. Were you at any time a member of the American Union Against Militarism? A. I was a member of the American Union Against Militarism, and I am still a member of the American Union Against Militarism.

Q. And it had for its purpose approximately the same object as the National Civil Liberties Bureau? A. It did not; I am sorry to put it that way.

Q. Will you please state exactly what the purpose of it was? A. The American Union Against Militarism is adequately defined by its name; before the war it was opposed to great armaments; it was opposed to conscription; after the passage of the Conscription Act the American Union Against Militarism appointed a subcommittee which, later, in about October of 1917, became entirely independent; that committee was the National Civil Liberties Bureau; from that time on the American Union Against Militarism has had nothing to do whatever with the protecting of civil liberties, but has been occupied with the one task of preventing the adoption of conscription and universal military training and service as a permanent policy of the United States.

Q. Do you remember whether it was in any way through the influence of the members of the American Union Against Militarism that the Collegiate Anti-Militarism League was formed? A. That organization was formed by members of the American Union Against Militarism.

Q. I think about six months? A. I think a good deal more.

Q. Did the members of the Fellowship of Reconciliation, of which you were a member, in large numbers belong to other pacifist organizations at that time? A. In considerable numbers, but I doubt if a majority did. The Fellowship of Reconciliation was

and is not a pacifist organization in any political sense. It was and is a body which sought to apply to the confused problems of our time what they understood to be the spirit of Jesus. In that connection they came to the conclusion, which was also reached by the Quakers, that Christians ought not to engage in war, that they could not as Christians engage in war. That, however, is only one of its convictions. It happened to be one somewhat accentuated necessarily by the events through which we have passed. The organization still continues to go on, and is concerned primarily now about other issues as they arise. May I add on this whole point, the position of the Fellowship of Reconciliation was, as I have already said, that of the Quakers. It may have been a wrong position. I do not know that we are here to argue that fact. It was held, however, very sincerely, very loyally, and most of the members of the Fellowship of military age gave some form of service. Some went even so far as actually to join with the army. One became a chaplain. In general, they did not feel they could take that kind of military service upon themselves. The very fact that your own diligence, and the diligence of others equally concerned for the enforcement of law, found no ground for action against this society, or the Civil Liberties Bureau, which was never prosecuted in the courts, is, I think, perhaps sufficient evidence that whether its activities were popular or unpopular, they kept within the limits of the law.

Q. Was it through these pacifist organizations that you first came in contact with Socialists? A. By no manner of means. I had been in contact with Socialists, attended their meetings, met them personally, read their literature at a time when there seemed to be no likelihood of any war.

Q. As matter of fact, there seemed to be quite a number of Socialists on these various boards of the organizations we have been referring to? A. There were some. I undoubtedly saw a very large number.

Q. Were you a member of an organization known as the People's Council for Democracy and Peace? A. I am not sure whether I was or not. That seems an extraordinary answer. At one time, without my permission, by an error, my name was carried as a member of the executive committee. I was never a member of its directing committee, though I believe that one time I was one of its ordinary members just at a time when they had general membership.

Q. That included members from various groups, didn't it, of political opinion? A. It did.

Q. And members of the Socialist Party, did it not? A. It did.

Q. Eugene V. Debs was a member, was he not? A. I don't know. You see, I was in no position to know much about the inner working of that body.

Q. You were in correspondence with that body, weren't you, through the National Civil Liberties Bureau? A. To a very limited extent. The Civil Liberties Bureau, as far as I know, was concerned with one particular department of work to which it adhered. You will remember I did not handle the correspondence of the National Civil Liberties Bureau.

Q. That was Mr. Roger Baldwin? A. That was Roger Baldwin, who is an anarchist, and not a socialist, a philosophical anarchist.

Q. Coming back to this National Civil Liberties Bureau of which you were one of the directing committee, among other things did it not attempt to aid the I. W. W. in the prosecution at Chicago, when 110 of the members were indicted? A. It did. It published a pamphlet called, "The Truth about the I. W. W.," based upon the writings of responsible men — Professor Carleton Parker, Professor Brooks, and others.

Q. Fitch and Bruere? A. Fitch and Bruere. It regarded that as a very great service to the country in this way: That it believes that there is only one agitator who is really dangerous, and that is Injustice. It believes there is no man so poor that he isn't entitled to a fair hearing in court. It is often necessary, in order to get that fair hearing, that the public shall be informed of the facts which newspapers do not give. You may remember that a captain of the Military Intelligence Service, with which I think you were at one time connected, published an open letter. His name was Lenear. It was published in the New Republic, in which he said that he was totally unsympathetic with the I. W. W., but having studied the testimony, he felt that a real injustice had been done, and that the United States could not afford to be guilty of an injustice to any body of men. This was the position of the Civil Liberties Bureau and myself, and it was taken openly and the pamphlet, "The Truth about the I. W. W." was allowed to be circulated through the mail.

Q. Notwithstanding the various defendants in that trial were convicted, were they not? A. It unfortunately often happens in

history that men are convicted in times of stress who ought not to be convicted, and that there is no higher duty than to argue in legal fashion that point.

Q. Do I take it from your answer that you approve the doctrines enunciated by the I. W. W.? A. No, I am not a syndicalist, and I do not approve of the doctrines of the I. W. W. It is for that reason that I was all the more anxious that they should get a fair hearing. I believe many of the I. W. W. are singularly disinterested champions of the under dog, and grave injustice has been done them, but I am not a sharer in their syndicalist philosophy.

Q. You are a lecturer, are you not, at the Rand School of Social Science? A. I would rather say I have lectured there. I am not at the present time lecturing there. I have given various courses there, yes, sir.

Q. And you are booked from time to time, are you not, for lectures before various organizations through the Rand School Lecture Bureau? A. I am.

Q. And you very frequently give lectures outlining the conditions in Russia, do you not? A. So far as I am aware, I never gave lectures outlining the conditions as the subject of the whole lecture. I have often in a class on current events had occasion to allude to events in Russia, yes, sir; allude with some fullness and detail.

Q. And the attitude taken by "The World Tomorrow" and by yourself in those lectures has been somewhat favorable to the Soviet system, has it not? A. It has been somewhat favorable to the Soviet System for Russia. It seems to be a position, you see, that the rest of the world is coming to. Lloyd George and others seem to have decided that it is just as well to let the Russians decide these matters and perhaps they can get along with the Soviets. Even the New York Times had a passage that some men had found that the Bolsheviki were quite like other folks, and it would be useful to trade with them. I rely on information of men and women who have been in Russia.

Q. Do you disregard the testimony of other persons coming out of Russia, who do not have such favorable opinions? A. I read it with some care. For instance, I read the bulky volumes of the Overman Committee, and they did not seem conclusive. Mind you, I would like to make this perfectly plain. I said, as you know, in the World Tomorrow, more than once that if I were in Russia, so fanatical as I am, in my opposition to

conscription, and so complete is my disbelief in the efficacy or Christianity of war — you see, I am queer on these things — that I might get into trouble in Russia. I might have been imprisoned as a conscientious objector in Russia, but I would still be opposed to the right of other people to intervene in those circumstances. From what I have learned recently, I believe on the whole the conditions with regard to the treatment of conscientious objectors in Soviet Russia is more mild than at the present time in the United States, I am told that cold blooded treatment of political prisoners in Russia is unknown at the present time, whereas, at Fort Albatross, if it has not changed, two political prisoners are confined in cages which prevent their sitting down for eight or nine hours a day. I am referring to Fort Albatross in the United States. Therefore, I am sorry to be forced to the conclusion that the Soviets, with whose philosophy of conscription I do not believe, have been more liberal in many ways than our own government, which I had hoped was freer in these matters. It is not a cheerful conclusion to come to.

Q. One of the grave concerns, then, of your paper, is exposing the alleged cruelty of the military authorities in dealing with conscientious objectors? A. Dealing with conscientious objectors, as I see it, is to insist on a passive principle. What is that passive principle? That passive principle is when truth and error grapple, truth must be trusted to win without coercion, and especially moral coercion; that it is not a sign of strength in the government, but of weakness, and the great concern of the world tomorrow is to try to persuade men and women that there are reasonable ways and ways of good will whereby a great many difficult questions can be solved. In doing that we have to, and are proud to, champion some unpopular causes. May I make it plain that I am testifying for myself and not the Socialist party? I think it is a token of the liberality of the Socialist party that here am I, a Quaker from the religious standpoint, a Quaker in my attitude to the war, and still a member in good standing of the party. If the party should breathe forth fire and horror it would hardly want me as a member.

Q. Do I understand that you are in hearty accord with the platform and war program of the Socialist party of St. Louis of 1917? A. I was not a member of the Socialist party when that platform was adopted. Had I been a member I would have worked for different wordings. I am, however, in substantial accord with the platform of the Socialist party in that I believed

and still believe that this war was in its origin capitalistic and imperialistic and in its results, it is capitalistic and imperialistic; that it has not accomplished the ends which my brothers and many others whom I loved believed it would accomplish when they went forth to fight. In that sense, I am in substantial agreement.

Q. Do you agree with that part of the program which suggests that the only cause to justify the workers in taking up arms is the great struggle of the workers of the world to liberate themselves from economic oppression? A. I have just testified that I am one of those queer fanatics that doesn't believe any great end is achieved by war, but that the price is so tremendous, that the end is not worth it. I would rather try to find a substitute for war as a corrective for injustice. Therefore, I personally, in view of my attitude to war as a whole, am not in sympathy with that declaration. But may I add this, that were I to believe that war ever was justified, I should hold that it would be justified in the struggle for economic freedom, for the abolition of classes, provided that seemed to the workers to be the only way. I don't believe it is a very likely way to be successful.

Q. Well, then, do I understand that if this country had been invaded by a foreign enemy that you would still adhere to your doctrine of nonresistance? A. I am so far lost to the ordinary convictions of men that if this country were invaded by a foreign enemy I believe the ultimate victory could be won by a policy of passive resistance more surely with less loss of life, with less arousing of hatred, than by armed resistance.

Mr. Stevenson.—I think that is all.

By Mr. Conboy:

Q. You have spoken, doctor, of certain branches of the Socialist party that were formulated along religious lines. I think that the good part of your direct examination was devoted to an explanation of them, and a recital of whom they were. That is true, isn't it, doctor? A. Yes.

Q. And you know that there are such socialist organizations, or so-called organizations, as State Socialists, do you not? Did you ever hear the term "State Socialists?" A. Very often. I am not qualified on this subject as an expert like the gentleman who preceded me, but I should say that State Socialists were not so much a separate organization as a school of thought within various socialist parties. I am not a State Socialist myself.

Q. And Chair Socialists, or Socialists of the Chair? A. I have heard the term applied. I think it is loosely and incorrectly applied.

Q. And Christian Socialist? A. Those terms are not correlative in America.

Q. No, they are not correlative, but they are different terms expressing different kinds of sects or organizations. A. Hardly. If I might explain, you will correct me. A State Socialist may be a Christian Socialist. A Christian Socialist, on the other hand, may be a Guild Socialist.

Q. I don't use these terms as synonymous, but as expressive of names that have been given to certain kinds of socialists expressing certain kinds of views. A. In that sense, yes.

Q. And Catholic Socialists? A. Yes.

Q. Now, you know, do you not, that these so-called sects are repudiated by Socialists? A. No; I know that the so-called Christian Socialists in Central Europe were repudiated by Socialists because they didn't hold really the economic doctrines of socialism. I don't know that in America these Socialists who are also Christians are repudiated or are repudiated in Britain, or are repudiated in Ireland.

Q. I will read you this; and let me see if you agree to it (reading): "Like all other social theories and practical mass movements, socialism produces certain divergent schools, bastard offshoots, clustering around the main trunk of the tree, large in number and variety, but insignificant in size and strength. Thus we hear of State Socialism, Socialism of the Church, Christian Socialism and Catholic Socialism. With these heterogenous and hetrodox varieties I am not concerned. Their chief function is to confuse the minds of the unwary critics of Socialism; but they have no part of the real life and development of the active Socialist movement." Do you agree with that? A. It depends on the interpretation of terms quite largely. If you are reading from Mr. Hillquit's reply in the debate with Father Ryan —

Q. I am reading from the preliminary scope and methods of Socialism by Morris Hillquit on the third page? A. Mr. Hillquit is so competent to testify in these matters, you better ask him. Whenever Christian or State Socialism is organized, as on the Continent of Europe, as a camouflage for Socialism, then it is necessarily repudiated by the Socialist Party. Whenever, however, as is the case with the Church Socialist Party, all you have is a group of Socialist members of the party who are also Chris-

tians, Episcopalians or whatever you may call them, and I don't think there has ever been a repudiation by the Socialist Party or by Mr. Hillquit. At least, he has never repudiated me to my knowledge.

Mr. Hillquit.— I never shall.

Q. Well, I suppose your position with the Socialist Party is secure? A. I am not sure.

Q. It depends very largely upon your own attitude, too. Now, Dr. Thomas, you know your views also with regard to a possible conflict between Socialism and religion are not held by all Socialists, don't you? A. I certainly know that.

Q. You do know that? A. Yes.

Q. And what you have been expressing here to-day with regard to that belief that the two things may be compatible is a personal and individual expression of opinion? A. It is a personal and individual expression of opinion shared by an increasing number of others as opposed to a personal and individual contrary opinion, neither of which is to be taken as official, but the very fact for the purpose of this trial, the very fact that I, avowing my position, am a member in good standing, is sufficient proof that the Socialist Party in America is not engaged in the anti-church campaign; and it is a fact that I take it it is relevant to your purpose rather than saying just how many Socialists do not like the church, and just how many do like it, and just how many would like it if it were a little different.

Q. You argue from the fact that you regard yourself as a minister in good standing and also a Socialist in good standing, and that it was not incompatible with the two things? A. No.

Q. That is the personal conclusion that you draw from that fact? A. Yes, sir.

Q. Now, did you ever read a pamphlet that was published by the Socialist Party of Great Britain — it is to be found as the Socialist Party of Great Britain, Library No. 6 — and the pamphlet is "Socialism and Religion?" A. No, sir; I never read that particular pamphlet.

Q. Would you be surprised if I were to tell you that this entire pamphlet published by the Socialist Party of Great Britain as an official document is devoted to the proof of the thesis that Socialism is the antithesis of religion?

Mr. Stedman.— I want to object to this because they attempted some time ago to offer a pamphlet circulated in Great Britain in evidence, and to which the gentleman is evidently referring, and it in no sense represents that the Socialist Party is of good standing in that party.

The Chairman.— Objection overruled. Proceed.

The Witness.—Mr. Conboy, I would not be surprised to hear that Robert Blatchford, for example, may have written such a pamphlet, because in addition to being a Socialist he, like a good many other Socialist, are atheists, just as I, in addition to being a Socialist, am a Christian.

Q. I am not speaking of Robert Blatchford, nor of any other member of the Socialist party in Great Britain. I am asking you if you know that the Socialist party of Great Britain —

Mr. Stedman.—I object to this, to the use of it; it is not the evidence that it was a Socialist Party of Great Britain. I assume the question is based upon some facts in the evidence. If you want to offer the book and go into it, all well and good. That is my objection here, that he has no right to assume a fact which is not in evidence.

The Chairman.—Overruled.

The Witness.— May I say that in Great Britain there are many Socialist parties. One of them might have written such a pamphlet, but the Independent Labor Party has always been connected with the Socialist International, and contains among its members many devout Christians; that its representatives in this country recently — Miss Mary McArthur and Mary Bonfield — members of the labor party and avowed Socialists, were devout in their allegiance to Christianity; and the fact that you quote one clique of that party as saying that Socialism and Christianity are in opposition, does in no way, it seems to me, weigh against my testimony that in the American Socialist party there is no such opposition, as is proved by my own standing and by the declarations of the party itself.

By Mr. Conboy:

Q. Now, I am not directing your attention to the individual opinions of anybody, any more than I am directing your attention to your own individual opinion. Do you know that there is

such an organization as the Socialist party of Great Britain? A. I know this: there is an organization commonly called the B. S. P.—the British Socialist Party — which is one of the many Socialist parties of Great Britain.

Q. Mr. Hillquit is endeavoring to direct your attention to the question I am asking you —

Mr. Hillquit.— I am perfectly familiar with this question. I doubt if the witness is. The Socialist Party of Great Britain, Mr. Conboy, never was one of the organized socialist parties of Great Britain. The Socialist movement in Great Britain always was represented by the Independent Labor Party; the Socialist Federation subsequently changed its name to the British Socialist Party and the National Socialist Party, represented by Mr. Hyndman. In addition to that there are locals, or groups, of absolutely no significance or standing, among which this probably is one; but it was never known outside of England. It never formed a part of the Socialist movement — the organized socialist movement — of Great Britain.

By Mr. Conboy:

Q. Now, Mr. Thomas, do you concur in the statement made in your behalf by Mr. Hillquit, that you do not know what the Socialist Party of Great Britain is? A. I know that the Independent Labor Party of Great Britain is the Socialist party which is commonly referred to.

Q. Did you ever hear of the Socialist Party of Great Britain? A. I never heard of the Socialist Party of Great Britain using that particular name as an exact and authentic title.

Q. Then you never heard of the treatise or tract that was published by the Socialist Party of Great Britain under the title "Socialism and Religion?" A. No. I have already stated, I think, that I have not.

Q. And consequently you never read that tract? A. Never.

Q. You don't know that that tract was on sale down at the Rand School? A. The Rand School sells all kinds of literature, and it ought to sell all kinds of literature. I am also aware that the Rand School sells Scott Nearing's "Solidarity" or "Will Guns Settle It," which is an extreme pacifist booklet. As Mr. Hillquit testified some days ago, the Socialist Party is not a pacifist party, yet the Rand School sells that. I might multiply others.

Q. The only inquiry I addressed to you was whether you knew the Rand School sold the pamphlet "Socialism and Religion," published by the Socialist Party of Great Britain? A. My answer is, I do not; I certainly have not read it.

Q. Have you read the files of The New York Call for any period of time? A. Pretty diligently, but not so I constitute myself an expert on every sentence in it for the last five years.

Q. Do you know what the attitude of the contributors to The New York Call is on the family as at present understood?

Mr. Stedman.— I want to object to what contributors to a newspaper may say.

The Chairman.— Objection overruled.

A. It seems to me, Mr. Conboy, that is a somewhat difficult question, by reason of its very generality.

Q. I am sure you are going to find some kind of an answer to it. A. I always try to answer your questions, for obvious reasons. We want to have a meeting of minds. I think that is the expression used. I am not familiar with the fact that the contributors to The New York Call spend their time discussing the institution of the family.

Q. You are not familiar with that fact? A. I am not. I doubt if it is a fact, and I think I have a fair memory of what has occurred in The New York Call.

By Assemblyman Rowe:

Q. What is the attitude of the Socialist Party, so far as you know, as to marriage and divorce? A. The attitude of the Socialist Party — without looking up references I couldn't say what the official references might be. The attitude of the Socialist Party, that is, the belief in general of Socialists, is the belief in monogamy as the highest ideal of life, the love of one man and one woman, as the highest ideal. The Socialists so far as I know them believe that when love has gone the continuance of a legal tie, pure and simple, is not ethical and is not ennobling to the race. I think you will find that the Socialist Party, that Socialists in general, like a great many non-Socialists, are inclined to favor somewhat easier divorce, less than prevails in New York State.

Assemblyman Evans.— Do you mean when the love of youth has gone?

The Witness.— Absolutely not. I beg your pardon. I did not

mean to answer that way, but I have seen too much beautiful love in Socialist families to want to have that imputation even read into the matter, and this I know from some personal acquaintances.

Q. Does the Socialist Party believe in the church procedure prescribed by the State of New York? A. In New York you can be married by a Justice of the Peace. You can be married by a minister. As a minister I like to have people married by ministers.

Q. I mean as to divorce, the legal procedure of divorce? A. I don't get that.

By Mr. Conboy:

Q. I am somewhat interested in your statement, Mr. Thomas, and I think the members of the Committee would be, if you could explain it a little more clearly and definitely, and perhaps a little more at length; what do you mean by saying that marriage is unethical when love ceased? Will you tell us what that means? A. You will remember, Mr. Conboy, that I was repeating a general sentiment. I was testifying as to the general sentiment that I have observed among Socialists. I think, however, that I can make the matter somewhat clear. Last night it so chanced that in New York I saw a play called "Jane Clegg" by a man named Irvine. Some of the members of this Committee that go to New York may see it. They will find there a beautiful illustration of what marriage is when love is gone. Sometimes illustrations help better than words to make meaning plain,— when a man has tried to hold a woman to a loyalty which he has forgotten himself, when he uses law rather than love as the sanction. There are Socialists who believe that it would be better for the state not to insist on a legal form after all that makes that legal form beautiful has gone. In other words, there are Socialists who are in favor of the rigid divorce laws which many Christians favor.

Q. Are you one of those? I do not intend to be impertinent or unduly prying or to exhibit any improper curiosity. You may decline to answer the question if you don't want to — but are you one of those who believe in that doctrine? A. If I were stating my own belief I should, I think, differ considerably. I personally believe where there are children that the ideal to be approached is the ideal of monogamy, and of no divorce from a religious standpoint, but I do not believe it is the business of the

State to enforce my particular conviction upon unwilling folk. There are other things that I might say, but that is sufficient.

Q. You were stating the view generally of Socialists, with which view you do not entirely concur? A. To which I should add certain personal lines of conduct not relevant to the State.

Q. Suppose one of the parties is still desirous, because of the love that he or she has for the other, of remaining in the union; do the Socialists believe that the marriage should nevertheless be annulled? A. It is very difficult to answer for a considerable or collective crowd. I presume those to whom I have talked, many of them, would, for they would say it is a mighty poor sort of love that wants to hold an unwilling person to a purely legalistic form.

Q. So if that be the prevailing opinion and we had a socialistic government, there would be so facile a granting of divorce or annulments that when one of the parties to the marriage declared that he or she were no longer in love with the other, the Court would separate them and dissolve the marriage tie? A. That probably would require a little careful checking up. It is the business of the state to guarantee and protect the interests of children and divorce may be so facile that the interests of children are lost sight of and that is not to my mind probable in a Socialist state. I do think, however, that a Socialist state would make divorce easy. It would be very different from some of the things which in my judgment are more degrading, but Socialists would never want Catholics or Episcopalians to change their own religious attitude on the subject of divorce.

Q. Are you familiar with the decree of the Russian Socialist Federated Republic on that subject? A. I am fairly familiar with it. I would want to refresh my memory.

Q. Under that decree, one of the parties to the marriage can secure an annulment of it by making application to the court? A. I should want to look it up. I know it is very easy.

Q. That would seem to be in accord with the prevailing Socialist doctrine on the subject, as you understand it? A. That would perhaps be a little more extreme, but in general I agree, but may I make it perfectly plain? I believe there are certain great ethical ideals that have to be justified by their own duty and that when these ethical ideals are imposed by law the state does an ill service. I as a Christian minister might preach an ideal to the family that I should not want to enact into law, because it would decree that ideal. In other words, "what God has joined together let no man

put asunder." I know that some of the Justices of the Peace are poor representatives of God and I don't want to see them put in His place.

Q. A Justice of the Peace only solemnizes a marriage. The parties themselves marry. You understand that as a theological concept? A. I understand it as a practical concept.

Q. It is actually a theological concept. The parties marry themselves. The Justice of the Peace or the minister only solemnizes the marriage by the ceremony. A. I am not so sure that it is theological or socialistic. They say they marry themselves, and why should the state keep them together after the love is gone?

Mr. Sutherland.— May we ask that the witness return tomorrow morning?

The Witness. — I would like to finish up tonight, because I was not prepared to stay, but I will do what is agreeable to you gentlemen.

By Mr. Stedman:

Q. You are a married man? A. I am.

Q. Family? A. Five children, and proud of it.

Q. There is nothing in the Socialist party platforms upon the subject of divorce, is there? A. No.

Q. Members have different views on the subject whether they live in New York, Reno or Illinois? A. I don't doubt it — probably.

Q. Or South Carolina? A. (No answer.)

Q. You have been in a great many Socialist homes, I assume? A. I have.

Q. And in a great many homes that were not Socialist? A. More of the latter because there are more of them.

Q. Did you notice any very marked difference between the ethics prevailing in the two? A. I never noticed any marked difference. As I have already said, the Socialist home often has one real advantage, and that is the advantage that comes in a spirit of comradeship in a man and woman, in something they both agree upon.

Q. That is, they are working along the same lines? A. Same lines; their minds work together.

Q. You replied that you are a member of the Council of Democracy and terms of peace; that was an organization to induce

the President to say on what terms we would conclude the war?
A. As I remember it.

Q. Other members were, like ex-Senator Works, of California, and William Mason, of Illinois, Congressman-at-large, and others? Isn't that so? A. It is.

Q. I think you have explained now your position on the war; who controls the "World Tomorrow"? A. The Fellowship Press, Incorporated.

Q. And who is the controlling body of that corporation? A. Gilbert A. Baer, L. Hollingsworth Wood, John Nevin Sayre and myself. May I say, Mr. Stedman, that I think I am the only one of that group that is a member of the Socialist party.

Q. Referring to the question that Mr. Conboy quoted from Mr. Hillquit's book wherein the Socialists, state Socialists are mentioned, you understand that to mean parties organized and running in opposition to the Socialist party, where they do not stand for its principles and purposes but take the name privilege? A. I so understood when I read it and when it was read to me today.

Mr. Sutherland.—Mr. Chairman, we were going to have the record in the Kate Richards O'Hare case subpoenaed in. Was that done?

Mr. Stedman.—We have it here. Mr. Conboy, this morning you read to me when Stedman was testifying a purported quotation from an address delivered in Milwaukee. Have you any objection to letting me see the transcript of that?

Mr. Conboy.—None whatever.

Mr. Stedman.—And I would like to know the reporter, if you know who it is who made it.

Mr. Conboy.—You will have to get that information from somebody else.

Mr. Stedman.—Well, if you have the reported transcript I should like to see it, the part from which you have read.

Mr. Conboy.—All I can tell in that connection is that is was not I who reported the speeches.

LOUIS WALDMAN, called as a witness and sworn, testified as follows:

Direct Examination by Mr. Hillquit:

Q. Your name, please? A. Louis Waldman.

Q. And you are one of the Assemblymen under investigation in this proceeding? A. I am.

Q. Where do you reside? A. 225 East 12th Street, New York City.

Q. That is in the Borough of Manhattan? A. The Borough of Manhattan.

Q. How old are you? A. 28 years.

Q. Are you married or single? A. Single.

Q. Where were you born? A. In Ukraina; it was the empire of Russia at the time I was born.

Q. When did you come to this country? A. On December 17, 1909.

Q. What did you do first when you came? A. I first went to evening school.

Q. Well, let us take it up in the other order. Did you do any work for a living when you arrived? A. Yes, I went to work the second week of my arrival in a factory producing or manufacturing chandeliers.

Q. And did you follow different other occupations after that? A. I did.

Q. What was the next? A. I subsequently worked as a cutter at ladies coats and suits. I then worked in the same capacity on millinery and ladies' hats up to the year 1916.

Q. During that period of time did you also study English and other subjects? A. I did.

Q. Where? A. I studied at the elementary evening schools of New York City.

Q. Day schools or night schools? A. Always night schools.

Q. After your work? A. After my work.

Q. Yes. A. I studied at private preparatory schools in the summer; and I then entered the Cooper Union to take the course of general science and civil engineering.

Q. Did you have to pass an examination for that purpose? A. I did.

Q. When did you pass it? A. In 1911.

Q. And did you then enter Cooper Union institute? A. I did.

Q. How long did you remain a student in the class of engineering in the Cooper Institute? A. For the course of five years.

Q. And did you go through the entire course? A. I did.

Q. Did you graduate? A. I did.

Q. Did you get a diploma? A. I did.

Q. As what? A. Bachelor of Science and Civil Engineering.

Q. Prior to your graduation did you pass a civil service examination? A. In the early part of 1916, several months prior to my graduation, I passed an examination of the Civil Service Commission for junior assistant engineer of the Public Service Commission of the State of New York, Third District.

By Mr. Conboy:

Q. In 1917? A. 1916.

By Mr. Hillquit:

Q. That was before your graduation from Cooper Union Institute? A. Yes, sir.

Q. And did you secure a position with the Public Service Commission? A. Yes, sir; immediately upon the announcement of the result of the examination.

Q. In what capacity were you employed by the Public Service Commission? A. In the capacity of field and office engineer in the tunnel work in New York, on the Brooklyn side.

Q. And how long did you retain that position? A. I retained it until some time in October, 1917.

Q. After that did you take up any other study? A. I took up the study of law in 1916, that same year that I graduated, excepting with an interval that I took for a vacation during the summer.

Q. And are you still a law student? A. I am still a student of law, interrupted by my present legislative duties.

Q. When were you first elected to the Assembly of the State of New York? A. In 1917.

Q. You were a citizen at that time? A. I was.

Q. And on what ticket were you elected? A. On the Socialist party ticket.

Q. And in that year were there other members of the Socialist party elected to the Assembly? A. There were nine more members.

Q. Will you please give the names of all the members, Socialist members, of the Assembly for that session, for the session of 1917? A. A. I. Shiplacoff, of Kings, third term; Mr. Joseph

Whitehorn, second term, also of Kings; Mr. William Feigenbaum, first term, of Kings county; Manhattan, Mr. August Claessens, first term; myself, first term; Mr. William Karlin, of Manhattan; Mr. Samuel Orr, of the Bronx, first term; Mr. Garfinkel, of the Bronx, first term; Mr. Gitlow, of the Bronx, first term, making a total of ten.

Q. Of these, three members were elected to the present session?

Mr. Conboy.— I think he has omitted one name.

Mr. Hillquit.— His own.

Mr. Conboy.— No; he gave his own, and I counted nine, Waldman, Shiplacoff, Whitehorn, Feigenbaum, Claessens, Karlin, Orr, Garfinkel and Gitlow.

The Witness.— Oh, yes, I beg your pardon, Mr. Elmer Rosenthal, Manhattan.

By Mr. Hillquit:

Q. Of these I believe three were re-elected to membership in the present session of the Assembly; is that correct? A. Four; no, three; that is right.

Q. Yourself? A. Myself and Mr. Orr —

Q. And Mr. Claessens? A. And Mr. Claessens.

Q. After the election of the ten Socialist members of the Assembly, which you mention, in 1918, what did you do before the session? A. Why, we got together and organized in a group.

Q. One moment; when did you first get together? A. About a week or two after election.

Q. Where? A. At our office at No. 7 East Fifteenth street, New York.

Q. You mean the headquarters of the Socialist party? A. I mean the headquarters of the Socialist party.

Q. In New York county? A. In New York county.

Q. And what was the first thing you did? A. Proceeded to organize ourselves into a legislative group, known as the Socialist Group of the New York State Legislature.

Q. And how did you organize yourselves? Did you elect officials? A. We elected a chairman of the group, who was to be designated by the group as the minority leader on the floor; Mr. Abraham Shiplacoff, the senior member of the group. We adopted rules for the future conduct of our business. The rules were few and provided as follows —

Q. They were not formally printed or published, were they?
A. No sir, they were rules adopted to stand until such time as reversed by a majority vote.

Q. What were the rules? A. The rules were that the Socialist group was to act as a unit on all important Socialist matters.

Q. When you say "Socialist matters," Mr. Waldman, what do you mean? A. I mean matters that are clearly expressed in the platform of the Socialist party.

Q. In those matters, or questions, of policy or public opinion?
A. Involving such questions. We also decided that this rule should not be hide-bound; it should not compel members of the group to vote as a unit when it is their sincere conviction that they cannot so agree upon any given question. We decided in such an event to dissolve the unit rule, and such an event has happened in practical experience in legislative work.

Q. Now, Mr. Waldman, in the first place, let me understand that clearly. The unit rule as mentioned in the Constitution of the Socialist party was to apply to such matters upon which the Socialist party platform had made definite pledges, is that correct?
A. Yes.

Q. And with respect to such matters, the dissenters could be absolved from operation of the unit rule by a vote of the members, is that correct? A. Yes.

Q. And you say such cases have occurred in the course of the legislature? A. Yes, sir.

Q. Will you mention an instance where such unit rule was broken with the consent of all Socialist members of the Assembly?
A. One conspicuous case was a piece of legislation pending in this house, sponsored, I believe, by our worthy Chairman, Mr. Martin.

Q. Mr. Martin? A. Mr. Martin, in connection with the repeal of the law commonly known as the Township Law. On that question the Republican party was divided, one part of it being led by one member of counsel, Senator Elon R. Brown, then majority leader of the Senate; the other side being led by Mr. Martin. The party was about evenly divided.

Q. The Republican party? A. The Republican party. The Democrats were likewise divided, only a majority of whom were on one side. The Socialists, too, were divided on that question. The division of the Socialist caucus was 9 to 1.

Q. The one being whom? A. The one being myself. I be-

lieved that the township law ought to be repealed for reasons that I explained when I voted on the question.

Q. Did you so state it to what you call the caucus of Socialist members of the Assembly? A. I did. We debated the matter, and after long discussion —

Q. Before you go ahead to any conclusion, did you invite a member of the Republican party into your caucus to enlighten you on the subject? A. We invited more than one member.

Q. Several? A. Several of them.

Q. Did they come? A. They did.

Q. Conferred with you? A. They did.

Q. Gave you their views? A. They did.

Q. And after such views you say your sentiment split 9 to 1, you being the 1? A. Yes.

Q. Did you state your position before your colleagues in the conference? A. I did.

Q. And did you ask for leave to vote according to your individual conviction? A. I was first trying to convert the conference to my side.

Q. Then you did not succeed? A. Yes, I then asked to be permitted to vote the way my conscience dictates.

Q. Were you accorded such permission? A. I was.

Q. Did you so vote? A. I did. I want to state that nine out of ten, the preponderating majority were against me. They absolved the unit rule to permit me to vote according to my conviction.

Q. And your vote was never questioned by the party? A. My vote was not.

Q. What did you do next, Mr. Waldman, as a group or an organization of socialist members of the Assembly? A. At the very first conference, we took up the socialist party State platform for the year 1916, which was the platform upon which we were elected to office in the year 1917, there not being a State convention in the interim. We took the platform up for the division of labor, assigning to each member of the group that plank of the platform in which he was particularly qualified and interested.

Q. Now, Mr. Waldman, let us understand that well. The Socialist party platform of the State of New York for the year 1916 contained, as I understand it, a number of platform pledges in the shape of political, industrial and social reforms, is that correct? A. That is correct.

Q. These reforms in the shape of platform pledges, were enumerated in the Socialist party platform? A. They were.

Q. And these platforms were circulated as campaign documents? A. They were.

Q. And it was on those platforms that you were elected in the fall of 1917 to the Assembly of 1918? A. Yes, sir.

Q. Then you say you took those pledges — A. Yes.

Q. — and went over them? A. And went over them.

Q. And? A. And assigned the various planks to those members of the group who were particularly interested, and who were best qualified to prepare legislation on the subject.

Q. Was it the idea, Mr. Waldman, to cover all those platform pledges or planks by concrete legislative enactment introduced by the socialist members? A. That was the idea. We adjourned with this mutual understanding that each member who received an assignment for the preparation of legislative measures was to go out into the field where that legislation was supposed to affect, and study the matter, first from the literature published on the subject, second, by consulting experts best qualified to speak on the question; third, by personal investigations that these results, the results of such investigations, be then reported back to the conference. Then the conference take up, section by section, the proposed piece of legislation, and they may modify and suggest new ideas. Then again, the matter would go to the person in charge of that particular legislation, and the person would finally beat the bill into shape, then report it back to the conference for approval, and after it had been so approved, it would be introduced by the member of the group; and I want to say —

Q. Now, Mr. Waldman, pardon me. You will say everything afterwards. To give us a concrete illustration of that process, will you mention one of the bills that was assigned to you, and as to the process of the drafting of which you were personally familiar? A. The first bill that was assigned to me for introduction was a food and fuel act. In the process of preparing that bill —

Q. What was the object of the bill, before you go further? A. The object of the bill was to relieve New York City in particular, and New York State in general, from a great fuel crisis which was coming upon the State; and also to relieve the people of the State from the increasing high cost of living on the necessities of life. The situation that existed at that time in the city was

such that the children, particularly of the districts which we represented, the working class section of the city, were under-nourished.

Q. You mean the school children? A. The school children and those children who were not yet old enough to go to school, were being under-nourished, by reason of the fact that the earnings of the family were not sufficient to meet the onrushing rise in the cost of living. The purpose of the bill was to bring relief to this situation.

Q. Now, then, Mr. Waldman, you say the forming of that bill was assigned to you by your colleagues? A. Yes.

Q. How did you go about it? A. In the first place, I consulted all the reports that were available on the subject rendered by committees or commissions appointed by the mayor of the city of New York, or the State Legislature. At that time there were two reports particularly which were valuable in the preparation of the bill. One was the Weeks' report, a report named after Senator Weeks of this Legislature. Another one was the report rendered to Mayor Mitchel by George W. Perkins. These two reports were the latest reports on the subject. There were about eleven investigating commissions in the past seven years on the question.

Q. Did you take up the reports and findings of all of these? A. I did.

Q. And did you study them thoroughly? A. I did.

Q. And compile the figures and information? A. I did.

Q. Then what did you do next? A. I then consulted experts in the trade.

Q. In which trade? A. In the trade of production and distribution of food. I held hearings, at which I called wholesalers, retailers, commissionmen, jobbers, subjobbers, all the warehousemen — and I called them to my own home, and conducted hearings in the presence of some of the members of the group.

Q. You mean you interviewed these various persons? A. I did. They voluntarily appeared. They gave me their opinions in the matter; they gave me their experience; they told me the weaknesses of the present method of distribution; they suggested remedies out of their own experience.

Q. About how many persons did you thus interview? A. At least eighteen.

Q. In the course of what period of time? A. In the course of about a week.

Q. Working practically continuously? A. Working continuously on that all day.

Q. Then what did you do? A. Then consulted such legal talent as I could, Mr. Morris Hillquit, Mr. Meyer London—I consulted Dr. Charles Beard, who was subsequently made a member of a commission by the State Legislature to investigate the West Side New York Central, commonly called Grab, and who rendered a very valuable report. I consulted these experts for the legal side and sociological side of the legislation. I then went out among the farmers, and I put in a week of traveling from farm to farm.

Q. In the State of New York? A. In the State of New York.

Q. What county? A. In Sullivan county, to find out the complaints the farmers make. I was particularly struck to see that from the reports that the farmers were leaving the farms; that they refused to stay on the soil; that they refused to continue to produce; that there was inefficiency in the production on the farm. I went to the farmer, particularly the milk producers, and I wanted to find out what they were complaining of. They told me, and made certain suggestions to be embodied in the legislative act.

Q. Then after you were through with all of your studies and investigations, did you draft a bill? A. I first reported in raw shape the material to the conference; they then delegated me to draft a bill, which I did, and it was subsequently approved by the group.

Q. And did you then introduce it? A. I did on January 8, 1918.

Q. And have you a copy of the bill here? A. I have it, sir.

Q. Will you produce it, please.

(Witness produces bill.)

Q. Mr. Waldman, all bills introduced by members of the Assembly—

The Chairman.—Is that in evidence, that bill?

By Mr. Hillquit:

Q. I was coming to this, Mr. Waldman. The New York Legislative Record and Index contains in all cases, does it not, brief summaries of the nature and character of the bills introduced in either House? A. It does.

Q. Will you read from that with reference to the bill under discussion at the present time? A. (Reading) "Introductory No. 33 by Mr. Waldman adding new section 78-A to Farms and Markets Law providing for state aid for public markets in cities and abolishing the existing food commission and creating a state food commission of three members to be appointed by the Governor with the consent of the Senate. One Commissioner must represent organized labor; one a recognized farmers' organization or be actively engaged in farming, and one must be an expert on the food question. The bill prescribes the various powers to be exercised by the commission; authorizes municipalities to purchase and produce necessaries with municipal funds or municipal credit. Fifteen million dollars is appropriated." The bill was referred to the Ways and Means Committee. I subsequently amended the bill in minor particulars at the suggestion of two delegations of farmers from around Jamestown and the print numbers of those amended bills are print 1138 and 1345.

Q. Now, then, without reading the whole bill, Mr. Waldman, will you please give a very brief and concise statement of its provisions? A. The bill is based on the proposition that the high cost of living consists of three elements.

Mr. Hillquit.—Is due to three elements.

The Witness.—Yes: first inefficiency in production; second, inefficiency and waste in distribution; third, in unnecessary profits to various groups handling the food, and so the bill provides for the relief or the settlement of these three problems. In the first place it provides for the stimulation of production. The farmers today are compelled to pay excessive prices for food, feed, seed, fertilizer and machinery. This is being paid to private speculators and private owners. Under the bill the state would establish a series of department stores all through the farming sections where the farmers could buy all these things at cost; cost to be construed as being the purchase price the state pays at the point where it buys, plus deterioration of the plant; plus whatever loss is incidental to the business, but no profit to be made on these things. It proposes to eliminate waste and chaos in distribution. The reports made by commissions of this House are that it costs more to transport a pound of food when it lands at the port of New York to the house of the consumer than it does to transport it from Buffalo to New York. The condition of distribution in

New York is recognized by all investigators as chaotic and anarchistic. Under the provision of this bill a system of terminal markets would be created equipped with storage houses, with refrigeration facilities, in many cases with manufacturing facilities to manufacture and take care of seasonable and perishable goods. This would eliminate the losses and waste due to our present system of distribution. The bill also provides for the elimination of the middle man, such as the jobbers, sub-jobbers, wholesalers, retailers, commissionmen, warehouse keepers, all of whom add a profit to every article of food that comes from the producer to the consumer. This would be established by the institution of a system of distributing stores to be operated by the municipalities where food and the milk and all things necessary for the people to live upon would be sold to the people at cost. This in brief is the provisions of the bill.

By Mr. Hillquit:

Q. Now, Mr. Waldman, what happened to your bill after you introduced it? A. Why, it went to the Ways and Means Committee, and the Ways and Means Committee could not give me a hearing, although I asked for it many a time, and although many delegates asked to be heard on the bill.

Q. When you say "many delegates" you mean delegates from where? A. Delegates from labor organizations, farmers and institutions interested in reducing the cost of living.

Q. What happened to the bill in the Ways and Means Committee. A. What happens to many other bills there — it was killed.

Q. It was not reported out? A. No.

Q. It was killed? A. Yes.

Q. Now, Mr. Waldman, you have described the manner in which you prepared this particular bill? That, I take it, was a description of the way the Socialist members of the Assembly went about in the preparation and drafting of bills; is that correct? A. That is correct.

Q. How many bills were introduced by the Socialist members of the Legislature in that session of 1918? A. 74.

Q. Will you please take them up and mention them by title and description in the legislative index, in chronological order? A. I will, sir; and may I be permitted to say that these bills were introduced — the first of these bills was introduced on

Wednesday, January 9th. The first legislative day was Wednesday, January 2nd.

Q. On that first legislative day, January 2nd, did the Socialist members of the Assembly take any action as such members? A. They did.

Q. Which way? A. They first took their constitutional oath of office, and then the House was organized. The Republicans nominated a candidate for Speaker; the Democrats nominated a candidate for speaker, and the Socialists nominated a candidate for speaker. A vote was taken and the Republicans all voted for the Republican candidate, the Democrats all voted for the Democratic candidate and the Socialists voted for the Socialist candidate. Not a Democrat voted for the Republican and not a Republican voted for the Democrat.

Q. Now, what happened to the candidate of the Republican Party at that election? A. Having a majority in the house, he was elected to the Speaker of the House.

Q. And what happened to the Democratic Candidate? A. Having a minority, he was defeated; but he was minority leader, I believe.

Q. And what happened to the candidate of the Socialist Party? A. He was defeated and made leader of the minor minority on this floor.

Q. As leader of the Socialist party? A. Yes.

Q. Mr. Waldman, was there more than one candidate placed in nomination by the Republicans as Speaker? A. There was not.

Q. Only one? A. Only one.

Q. Do you know whether such nomination was made after a party caucus held? A. That is the custom.

Q. Does the same apply to the Democratic party? A. That is so.

Q. Also only one candidate named? A. Exactly.

Q. After caucus? A. Yes, sir.

Q. The same thing applied to the Socialist Party? A. Yes, sir.

Q. One candidate named after caucus? A. Yes.

Q. Now, what else did you do on that first legislative day? A. On that first legislative day there are a great number of persons to be elected, such as the Clerk of the House, Sergeant-at-Arms, and so forth, and in each case the appointments are made along party lines, with the exception of the Socialists, who did not make those nominations; and moreover every time a nomination

was made, it was made by a resolution typewritten and prepared in caucus beforehand, and adopted from the floor. In no case did a Democrat vote for a Republican candidate or a Republican vote for a Democratic candidate. The unit rule operated to perfection.

Q. In each camp? A. In each camp.

Q. Was there anything else done on that first legislative day, of importance? A. Yes, we had the Governor's message and then an adjournment for a week.

Q. Then the Legislature met on the 9th day of January? A. Yes.

Q. And then some bills were introduced by the different members, including the Socialists? A. Yes.

Q. Will you please mention by title and brief description as contained in the index, each of the bills introduced on that day by the Socialist representatives of the Assembly? A. Bill 141, introduced on January 9th, introductory number 14, by Mr. Whitehorn an amendment to the Penal Law to abolish capital punishment in the State of New York.

Q. The next one. A. Bill, introductory number 15, by Mr. Whitehorn, providing for half fare for school children on street, surface, subway and elevated railroads in cities.

Q. Did that relate to the City of New York or to all cities of the State? A. This related to all second-class cities, which included cities like Buffalo and Rochester.

Q. And the object was — A. And the object was to enable the children who go to school to travel on subways, surface lines or elevated trains at half fare. I want to say that this bill was referred to the Public Education Committee. The Public Education Committee had an extensive hearing and the Committee reported the bill out directly. This House passed a motion to recommit and put it back to the Committee on Railroads, presided over by Mr. Seaker, of which I was a member; and by a divided vote, after a similar hearing, the bill was killed in committee.

Q. It never came up again? A. It never did.

Q. Now, the next bill? A. The next bill was introductory number 28, by Mr. Feigenbaum, authorizing first and second-class cities to acquire and operate public utilities and regulate the proceeding; excess production may be sold outside of city limits. He refers to gas and electricity. Special revenue bonds may be issued to raise a fund for acquiring the utilities.

Q. Have you got the bill before you, Mr. Waldman, that particular bill? A. Mr. Feigenbaum's?

Q. Yes. A. Yes.

Q. And will you state whether it provided that compensation would be allowed to public corporations whose property was to be taken under this bill? A. It was so.

Q. Will you read the provision, please? A. "To purchase at reported valuation"—

Q. "To purchase at reported valuation?" A. "To purchase at reported valuation." Then he provides for methods of appraisal, provides against payment for intangibles; for watered stock; for unnecessary contractual obligations. It provides for the payment on the basis of physical valuation to be established by an impartial commission of experts.

Q. And to be covered by bonds to be issued for that purpose? A. Yes, sir. Section 12 provides for special revenue bonds.

Q. No provision for confiscating its properties without compensation? A. Not in this bill, no, sir.

Q. What happened to that particular bill, Mr. Waldman? A. The bill was defeated.

Q. It went to the committee? A. It went to the committee.

Q. Did it come back? A. It died there.

Q. Next? A. Introductory Number 31, by Mr. Shiplacoff, repealing Chapter 161 of the Laws of 1917, which establish a department of State Police. This bill refers to the State Constabulary, which was established against and over the protest of organized labor in the State of New York.

Q. And that bill was passed in 1917. A. It was passed in 1916, sir.

Q. Chapter 161, Laws of 1917. A. You are right.

Mr. Conboy.— You said "Chapter 161 of the laws of 1916."

The Witness.— I beg your pardon.

By Mr. Hillquit:

Q. Now, Mr. Waldman, do you recall whether, prior to the passage of that act, there was a strong agitation in labor circles against the passage of that act? A. There was.

Q. And hearings were held in Albany? A. Yes, sir.

Q. And a very large number of labor representatives were present to urge against its passage? A. Yes, sir.

Q. Do you know the grounds of the opposition on the part of labor to the passage of that particular bill? A. The grounds were

based on the experience in the State of Pennsylvania, where the State Constabulary had been used for the purpose of crushing strikes. Organized labor took the position that the municipal police, with all the force back of constituted authority, was sufficient to insure the peace of the community; but this force was specially created with a view to bringing them into action at any time that labor is out on strike in behalf of its legitimate demands.

Q. Did the Socialist Party take the same position against the enactment of that law? A. It did.

Q. Do you know whether Governor Smith last year in his first message to the Legislature asked for the repeal of that law? A. He did.

Q. And was it with that object in view, the repealing of that law, that this bill was introduced by Mr. Shiplacoff? A. Yes, sir.

Q. What happened to the bill? A. The bill was defeated.

Q. Now, take the next bill.

The Chairman.— One moment before you go to the next bill. The Judiciary Committee meets at eight o'clock for the consideration of legislation and I do not think we can take any more testimony here to-night.

Mr. Hillquit.— Very well. Judge Sutherland, in reference to the attending of Mr. Thomas, I think it might be more convenient for him to attend to-morrow morning, rather than day after to-morrow, because that would necessitate making the trip to New York and then back.

Mr. Sutherland.— Suppose we let you know later in the evening whether we need him. We will try to relieve him of the necessity of attending if we do not want him.

(Whereupon, at 6:05 P. M., on February 24, 1920, the Committee recessed until to-morrow morning, Wednesday, February 25, 1920, at 10:30 o'clock.)

STATE OF NEW YORK — ASSEMBLY CHAMBER

In the Matter of the Investigation by the Assembly of the State of New York as to the Qualifications of Louis Waldman, August Claessens, Samuel A. deWitt, Samuel Orr and Charles Solomon to Retain Their Seats in Said Body.

THE CAPITOL,

ALBANY, N. Y., *February 25, 1920.*

Present:

Hon. Louis M. Martin,
 Hon. George H. Rowe,
 Hon. James M. Lown,
 Hon. Edmund B. Jenks,
 Hon. Edward A. Everett,
 Hon. William W. Pellet,
 Hon. Edward J. Wilson,
 Hon. Charles M. Harrington,
 Hon. Harold E. Blodgett,
 Hon. Theodore Stitt,
 Hon. Louis A. Cuvillier,
 Hon. Maurice Bloch,
 Hon. William S. Evans.

Appearances:

For the Judiciary Committee:

Charles D. Newton,
 John B. Stanchfield,
 Arthur E. Sutherland,
 Elon R. Brown,
 Martin Conboy,
 Samuel E. Berger,
 Archibald E. Stevenson,
 Henry F. Wolff.

For the Socialists:

Morris Hillquit,
Seymour Stedman,
S. John Block,
Gilbert E. Roe,
William S. Karlin,
Walter Nelles.

LOUIS M. MARTIN, Chairman.

(The Committee met pursuant to adjournment at 10:45 A. M.)

The Chairman.—Proceed.

LOUIS WALDMAN, recalled, testified as follows:

Direct examination continued by Mr. Hillquit:

Q. Mr. Waldman, will you please continue the enumeration of bills introduced by the Socialist members of the Assembly on the 9th day of January, 1918? A. The last bill introduced on that day is introductory Number 33, by Louis Waldman.

Q. That is yourself? A. Yes—on food and fuel.

Q. And that is the bill whose provisions you described earlier in your testimony, is it not? A. Yes.

Q. I shall now ask, Mr. Waldman, whether that bill contained a provision for compensation to be paid by the State for private property taken for public uses? A. Yes, it contains such a provision, and it further contains a provision that if the private owners are not satisfied with a board of appraisal, or with the decision of the board of appraisal, they may file their claims with a court of competent jurisdiction and have the court ascertain what a just compensation for their property is.

Q. Was there any provision in that bill with reference to the constitutionality of the provisions contained in it? A. Yes, sir, section 18 of the bill provides as follows:

“Partial invalidity. If any clause, sentence, paragraph or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.”

Q. We now pass to the next bill in chronological order introduced by the Socialist Assemblymen? A. The next bill introduced was on January 10th, introductory Number 68.

Q. By whom was that introduced? A. Introduced by Mr. Claessens repealing chapter 689 of the Laws of 1917, which authorized the Education Commissioner to suspend the provisions of the Education Law relative to compulsory education of children during certain periods to permit their employment in agricultural and food production.

Q. Are you familiar with the provisions of the law contained in chapter 689 of the Laws of 1917, sought to be repealed by this bill? A. I am, sir.

Q. And what was its main provision? A. Its main provision was to permit children under a certain age, and at the age of fourteen, to be employed in agricultural work for compensation.

Q. And also in the work of food production? A. In the work of food production; in the work of the canning industry, the pretext of it being the shortage of labor during the war.

Q. That was the intention of this bill introduced by Mr. Claessens to repeal that particular provision? A. It was on the ground that the children ought not to be employed; that their educational opportunity should not be neglected no less in war time than in peace.

Q. The next bill introduced? A. Introductory Number 69, by Mr. Feigenbaum, amending section 162 of the Election Law by making certain changes necessitated by the admission of women as voters. A woman who shall have been a citizen would be a qualified voter, except for her marriage to an alien, shall be qualified notwithstanding such marriage.

Q. The next bill? A. On January 21,— a resolution —

Q. No, take the next bill Number 141. A. 141 is right, by Mr. Karlin, amending subdivision 1, section 2231 and section 2236 of the Civil Code, relating to the proceedings in the eviction of a janitor; to put the janitor on the basis of a tenant instead of an employee.

Q. The present law provides for certain notice to tenants before eviction? A. It does.

Q. And that does not apply in the present law to janitors, is that correct? A. Yes, sir.

Q. And it was to obviate this and to entitle janitors to the same notice as tenants before eviction that this bill was introduced? A. Yes.

Q. Take the next? A. Mr. Hillquit, pardon me.

Q. Yes. A. There is an amendment to the rules introduced by Mr. Shiplacoff, the minor minority leader, providing for the amendment of Rule 2, Subdivision 9, of the rules of this chamber, to make it possible for the leader of the minor minority to be a member ex officio on all committees of this House in the same manner as the minority leader is a member, with a voice but no vote. The particular intention of this resolution was to permit the Socialist delegation to have at least a voice on the Ways and Means Committee — The committee that was planning the expenditures of over or close to one hundred million dollars of the peoples' money for the support of the government of the State of New York.

Q. Let us understand that, Mr. Waldman. Under the rules as adopted by the Assembly at that session, you state the majority minority leader — the leader of the Democratic party, in other words, was made ex-officio member of all committees? A. Yes, sir.

Q. So that that enabled the Democratic members in the Assembly, through their leader, to have direct information on all pending legislation? A. Yes, sir, including the Rules Committee.

Q. Including the Rules Committee? A. Yes.

Q. The Socialist representatives in the Assembly had no such facilities under the rule? A. None whatsoever, and in some committees there was not a member of the Socialist group.

Q. Then this amendment to the rules was introduced to enable the Socialist members of the Assembly to keep in touch with pending legislation of all kinds? A. Yes, sir, that was the purpose.

Q. And was that rule adopted, or the proposed amendment, rather? A. That was defeated.

Q. And the Socialist delegation remained without ex-officio representation on any committees except as their individual members happened to be members of committees? A. That was so, and the two committees particularly had no representation — the most important committees — the Committee on Ways and Means and the Rules Committee.

Q. Proceed now, Mr. Waldman, to the next bill introduced by Socialist members of the Assembly in that session. A. January 23rd, introductory No. 185.

Q. Introduced by whom? A. By Mr. Garfinkel, repealing chapter 566 of the Laws of 1916, which amended the Military

Law relative to military training commission and to military and disciplinary training.

Q. What was the special object of that bill? A. The special object of the bill was to repeal one of the five military laws enacted in 1916 for the purpose of establishing military training in the school system of the State of New York.

Q. The Socialist party was opposed to such military training in schools? A. Yes, and also the labor movement of the State of New York.

Q. And the Socialist party is still opposed to compulsory military training in the schools? A. Yes, and may I add that Judge Seabury, candidate for Governor on the Democratic ticket, in the year 1916, made his campaign on the repeal of these five military laws.

Q. Yes, but it was considered good enough by the Democratic party. The next bill? A. The next bill January 24, 1918, introductory No. 224. This bill was introduced by Mr. Orr. It is amending section 236 of the Public Health Law by striking out the provisions which permit clerks in drug-stores to work 72 hours a week, and providing that such clerks may not be employed for longer than nine hours a day, or 54 hours a week.

Q. Under the present law, Mr. Waldman, drug clerks are also permitted to sleep on the premises; there is an apartment in connection with the drug-stores? A. Yes, sir.

Q. And that bill sought to eliminate this provision, or rather to prohibit such arrangement; is that correct? A. Yes, sir, and had this bill been enacted, the recent strike of the drug clerks would not have taken place, because it was a strike for the establishment of the nine-hour day.

Q. The next bill. A. The next bill, Introductory No. 233, by Mr. Feigenbaum, amending the Penal Law prohibiting the employment of armed men to act as militiamen, police officers, for protecting persons or property or for suppression of strikes, whether such armed men be employees of detective agencies, or otherwise, and prohibiting the keeping of any armed force for hire by any person, firm or corporation.

Q. Will you please explain the intention of that bill? A. The intention of that law is to prohibit manufacturers from employing private thugs and gunmen to be stationed near the factories in times of strike, ostensibly to protect the property of the owners but actually to provoke violence as a justification for the crush-

ing of the strike. In this respect these private employers are following the policy of the feudal lords in establishing private armies under their own hire for the purpose of protecting their property. We Socialists took the position that it is the duty of the State to protect life and property and by permitting these people to hire private armies we are infringing upon the right and duty of the State.

Q. Was that view shared by the organized labor movement in the State and elsewhere? A. That was.

Q. And has it always been one of the grievances of the organized workers that employers were permitted to hire, at their own discretion, such men as they pleased and to arm them in the course of strikes and permit them to be pickets and so on? A. That was the complaint.

Q. And it was to obviate this condition that this bill was introduced? A. Yes, sir.

Q. How far did this bill go, Mr. Waldman? A. It went as far as the Codes Committee.

Q. Any hearing had on the bill? A. No, sir.

Q. Was it reported out? A. It was not.

Q. Died in the committee? A. Died in the committee.

Q. Next bill. A. The next bill, introduced by Mr. Karlin, No. 236, providing for the election of magistrates instead of appointing them, as they are to-day, by the mayor.

Q. What happened to that bill? A. There was a hearing upon that bill and the Codes Committee after listening to both sides on this question reported the bill to the House. Upon a motion by a member of the House the bill was recommitted and died in the committee after it had been recommitted.

Q. The next bill. A. I should be glad to say a word on the question of recommitment. At the time of recommitment the Rules Committee was already beginning to operate, an operation which I shall explain later.

The next bill introduced by Mr. Karlin, Introductory No. 241, which reads as follows: Amending sections 11 to 14, 16, 30, 34-d and 34-e, New York City Inferior Criminal Courts Acts, by providing that the chief justice and the associate justices of the Special Sessions Court now in office shall be continued until the end of their terms when fifteen justices shall be elected as their successors, for six years, not less than six in Manhattan, six in Brooklyn and one each in Bronx, Queens and Richmond. All

justices shall be residents of borough in which they are elected. The justices shall elect their own president, to be known as the chief justice. The Special Sessions justices, as a board, instead of the mayor as at present, shall designate additional justices upon certificates of the Children's Court.

Q. Well, this, Mr. Waldman, was a bill to amend the procedure in the criminal courts of lower jurisdiction, was it not? A. Yes, sir.

Q. The next bill? A. On January 28, Introductory No. 250, by Mr. Whitborn, providing for the trial by jury when demanded in Special Sessions and before magistrates.

Q. Similar in character somewhat to the preceding bill? A. Yes, sir; and it was reported out by committee and then recommitted. The next bill was introduced on January 30th by Mr. Gitlow, amending sections 695 to 697 of the Education Law, repealing the military training established in all schools and providing at the same time for the continuation of physical training for the children.

Q. That bill distinguishes between physical training, scientific physical training, in schools, and military training, does it not? A. It does.

Q. And advocates physical training? A. It does.

Q. Instead of military training? A. Yes, sir.

Q. The next bill? A. The next bill was introduced on January 31st by Mr. Shiplacoff, at the request of the labor organizations, introductory No. 307, amending section 6 of the Labor Law, and adding a new section, 6-a, extending the provisions for hours of labor on street surface and elevated railroads, to include subways, and limiting provisions to male employees. It prohibits the employment of females on such lines within first and second class cities more than six days or 54 hours in any week; or more than nine hours in one day, before 6 A. M. and after 9 P. M.

Q. You say this bill was introduced at the request of the labor organization? A. Yes.

Q. Which organization was it? A. The Railway Workers.

Q. And before being introduced was the proposed bill submitted to your delegation? A. It was.

Q. And discussed? A. It was.

Q. And approved of? A. It was.

Q. The next bill? A. The next bill was introductory No. 329, by Mr. August Claessens.

Q. I think you better make it 325 by Mr. Rosenberg. A. Have I made a mistake? What is the effect of that bill?

Q. That was a bill, was it not, adding a new section to the Penal Law, providing that when an employer advertises for employees during a strike, lockouts or industrial disputes, he must give notice in the advertisement of the existence of such conditions at his plant, and prescribing penalties for violations? A. Thank you. I beg your pardon, I did omit that.

Q. That was one of the bills introduced by the Socialist Assemblymen? A. Yes.

Q. And that was in compliance with the general demands of organized labor? A. Yes.

Q. That has to do with the advertising for labor when strike-breakers are wanted? A. It has.

Q. And to warn seekers of employment of a strike, if it was in existence? A. That was the purpose.

Q. The next bill? A. Introductory No. 329, by Mr. Claesens, providing that section 70 of the Labor Law be amended so as to increase the age limits of children permitted to be employed.

Q. From? A. From at present 14 to 16, to 16 to 18.

Q. And the next? A. The next was on January 31st.

Q. Again you omitted one by Mr. Feigenbaum, No. 330? A. Yes. Introductory No. 330 by Mr. Feigenbaum, providing that the First District Public Service Commission shall take over and operate any and all public utilities under its jurisdiction when the board of aldermen, by a majority vote, determines the same to be in the public interest. Operation is to be maintained as a unit throughout the city wherever it can be arranged with companies not yet taken over. Transfers are to be given so as to furnish a city-wide five-cent fare. All employees of the companies are to be taken over and placed under the civil service on a basis of eight hours a day and five and a half consecutive days each week. The report to the State Tax Commission for the fiscal year ended June 30, 1909, is to be taken as the basis of determining the value of the property taken over, with certain additions. The board of aldermen may determine the matter of its own motion, but must hold hearings upon petition.

Q. Was this an enabling act to give to the cities larger control of the public service corporations within their limits? A. It was.

Q. And that provided for compensation in taking of property?
A. It was.

Q. Take the next. A. The next bill is Introductory No. 332, by Mr. Orr, adding new section 84-a to the Judiciary Law, by providing for the holding of naturalization courts in the evening between 7 and 11 o'clock in the first and second class cities. The Appellate Division justices in each department are to fix the time and place for holding such special terms of the Supreme Court, which must be at least four evenings a week in first class cities and at least two evenings a week in second class cities.

Q. What was the object of this bill? A. The object of this bill was, in accordance with the policy of the Socialist Party, to aid workers in becoming citizens of this country. It is today difficult for many of the workers to become naturalized because they are not certain of the day when they can get a hearing. They have to quit employment, in some cases paralyzing the shop when they do. They are not permitted to do so by their employers, or by their own will, not to lose a day's pay. It is therefore made possible by this act for them to come in the evening into a court and become naturalized.

Q. What happened to the bill? A. The bill was killed in the Judiciary Committee.

Q. And the next bill? A. The next in February 1st. This is a bill by myself, Introductory No. 337, providing for the establishment of a commission giving it certain powers to handle the milk situation in the State of New York. Under this bill the State, on co-operation with the municipalities, would establish pasteurization plants, creameries, distributing stations, would purchase milk and dairy by-products from the farmers, pay them a living wage for their service, and sell the same to the people in the cities at cost. It was intended to do away with the milk trust which is to-day strangling the children of the city of New York, and the other cities of the State.

Q. At the time this bill was introduced was the price of milk beginning to mount? A. At the time this bill was introduced the price of Grade A milk as sold in my district was 19 cents a quart; and the price of Grade B milk 17 cents a quart.

Q. And that compared with what normal prices a few years preceding that? A. Only four years preceding that Grade A milk could have been purchased at 10 and 11 cents, in some places; and Grade B at 9 cents a quart.

Q. Did you have occasion personally to observe the fact — the result — of this increase in the price of milk on the health of the children in your district? A. I have.

Q. What did you find? A. I found that by reason of the high price of milk, in many homes it was made impossible to purchase the same quantity of milk that was formerly purchased for the supply of the children, and in other cases they were buying diluted milk — what they call loose milk — from the can in the grocery store, to feed little babies, even though the doctors prohibited such feeding and demanded Grade A milk. The price of Grade A milk was too steep and could not be bought by the poor in New York.

Q. And did you observe the result upon the health of the children? A. My observations perhaps would not be official; but the observation of medical authorities making an investigation, by Dr. Louis Harris, of the Industrial Hygiene Bureau of the Board of Health of the city of New York, where he makes a comparison between the mortalities under the time when there was an ample supply of milk on account of low cost and the time when there was a curtailment in the supply of milk on account of high cost,— he states that the rate of mortality of children in New York is in direct proportion to the high cost of milk.

Q. And it was to obviate this condition and save the lives of these children that this bill was introduced? A. Yes, sir; and also to obviate the condition of the Borden Milk Company paying 13, 14 and 15 per cent dividends on common stock and their regular dividend on preferred stock at the expense of the children.

Q. And what happened to the bill? A. The bill was defeated in spite of the many demands; in fact, a demand by Mr. Dillon, to come and speak in favor of the bill.

Q. Who was Mr. Dillon? A. Mr. John Dillon is the editor of one of the farm papers, "The Rural New York". He was formerly Commissioner of Markets. May I add that the committee appointed by the Federal government, which consisted of Dr. Brown and Eugene Schurm, and a third member, whose name I do not recollect, were in conference with me in the process of the preparation of the bill, and they signified their willingness not only to publicly endorse the bill, but to come and speak for the bill before the committee. I could not secure a hearing for the bill.

Q. And the bill was never reported out? A. And the bill was never reported out.

Q. The next bill. A. The next bill was introduced on February 4th, Introductory No. 349, by Mr. Orr, providing that the Penal Law be amended requiring owners, lessees or agents of property equipped with heating apparatus to keep the same heated at an even temperature of at least 68 degrees Fahrenheit, from 6 A. M. to midnight, from October 1st to April 1st, when renting to a tenant. Violation is a misdemeanor punishable by a fine of \$200 or imprisonment for ten days.

Q. Was the winter of 1918, Mr. Waldman, a particularly severe winter? A. It was.

Q. And were there general public complaints against landlords of apartment houses by the tenants, for not heating the premises? A. There was, the landlords taking advantage of the apparent scarcity of coal, not to heat the premises and save this much expense.

Q. Was a large amount of disease the result? A. Yes, sir; and also according to a report of the Board of Health, during that period pneumonia increased over 50 per cent, and they directly attributed it to the cold apartments and ordered the various landlords to supply heat to their tenants.

Q. And what happened to that bill? A. This bill was also committed to the Codes Committee and killed there.

By Assemblyman Rowe:

Q. Was there a hearing on that bill? A. There was, I understand.

Q. The legislative register has it as amended and recommitted.

Q. Isn't that the law in New York city today? A. No, the Board of Health took upon themselves to issue an order under the health provision, saying no apartment shall be kept in a condition which is against the health of the community.

Q. Wasn't that the objection raised to the bill at that time, that the Board of Health had sufficient power? A. No, sir; that was not the objection. The objection that was raised was largely raised by the real estate interests saying that a supply of coal was almost an impossibility at that time, and to compel landlords to supply heat would be tantamount to confiscating their property, inasmuch as conditions didn't permit them to get coal.

By Mr. Hillquit:

Q. The next bill, Mr. Waldman. A. The next bill introduced by Mr. Orr on the same question, but applying to it from a

different angle, adding new subdivision 6, section 2231, Civil Code, providing that in New York city when the owner, agent or lessee fails to keep the premises heated at an even temperature of at least 65 degrees of Fahrenheit, from 7 A. M. to 10 P. M., from October 1 to April 1, he cannot avail himself of the summary proceedings law against the tenant. The tenant is entitled to deduct from rental sums actually spent for gas or other fuel, including heating apparatus actually purchased. The purpose of this bill, Mr. Chairman, was to meet the objection of the real estate interests when they said they cannot get coal. We said to them we will permit the tenants to purchase coal or gas and after they have done so to deduct the amount consumed in heating their apartments from the rent.

Q. What happened to this bill? A. This bill had a hearing and it was reported out by the committee and it was brought on this floor and it was then recommitted and killed in the committee.

By Assemblyman Rowe:

Q. What do you mean by recommitted and killed in the committee? A. I will tell you what I mean by that. If you remember at that time the Rules Committee was already in operation. I shall try to explain later what processes there are for burying a bill. I mean to say this: that the procedure in this House which met the merited criticism of all civic bodies —

The Chairman.—How does that interest us? We know as much about it as you do.

(Discussion off the record.)

Q. It was not reported by the Rules Committee? A. It was recommitted to the Rules Committee and not reported by it.

Assemblyman Evans.—A correction ought to be made on page 1658 of the printed record, line 26, in all fairness to the witness who testified, Mr. Lee. The word "minority" should be stricken out and the word "majority" substituted. Page 1658, line 26.

The Chairman.—That may stand corrected.

By Mr. Hillquit:

Q. Now, let us proceed. What is the next bill? A. The next bill on the same day was Introductory No. 357 by Mr. Karlin, amending the Labor Laws by making the provisions of these subdivisions relative to exits in buildings over two stories and stair-

way enclosures in buildings over five stories apply to all buildings over one story. It strikes out the provision for the adoption of rules by the Industrial Commission for stairways in buildings of five stories or less.

Q. The object being to increase the safety in factories, the safety of the workers? A. To protect the lives of the workers against perils of fire.

Q. The next bill. A. Introductory No. 358 by Mr. Karlin, amending subdivision 2, section 79-a, Labor Law, by providing that in every building more than six stories and having more than five thousand square feet area there must be at least one dividing fire wall providing horizontal exits. That is also trying to safeguard the workers' lives against the perils of fire.

Q. Go ahead. A. February 6th, next bill, by myself, amending subdivisions 7, 8, section 68, and sections 70, 77, Education Law, by providing that persons shall be eligible to appointment by school trustees regardless of their political, economical or social views; that no professor, instructor or employees shall be removed or suspended except upon recommendation of the faculty; increasing from five to ten the number of State scholarships awarded to each county for each Assembly District and permitting the recipient of such scholarship to attend college outside the State. It strikes out the provisions that no such scholarship shall include course in law, medicine, dentistry, veterinary, medicine or theology.

Q. You would under your bill permit a scholarship for the study of theology also? A. I would, sir.

Q. Next. A. The next bill is Introductory No. 400 by Mr. Gitlow, establishing a State Board of Mothers' Welfare. In brief, establishing a mothers' pension law in the State of New York, a law which exists in many other States, but which is sadly in need in this State.

Q. The effect of which would be to support poor women for a period before and after confinement? A. Yes, sir; and mothers' pensions. The next bill is Introductory 402 by Mr. Garfinkel, prohibiting all manufacturing in tenement houses.

Q. Next. A. February 7, a bill by Mr. Feigenbaum, Introductory No. 431, adding new section 25-a, to Executive Law, requiring Secretary of State to publish annually a State blue book showing statistical abstract of State's progress for the past year, operation of various State departments, and other information.

The Secretary of State may establish a statistical bureau for the purpose in charge of a chief statistician at \$5,000 a year.

The next bill or two bills, also by Mr. Feigenbaum, Introductory No. 432, and Introductory No. 433, each of which is an amendment to existing law providing for the cancellation of franchises which have been granted by the State or city to private companies or individuals and which have not been put in use by them.

Q. You mean declaring the forfeiture of unoperative franchises? A. Exactly; the next is February 8th.

Q. No, you have one yet,— February 7th, No. 438. A. 438: This bill I omitted on purpose, because it was a bill similar to the one introduced by Mr. Karlin. This bill is a copy of the same bill as Mr. Karlin introduced and which I have already explained. It was introduced by mistake and therefore could not be an addition to the Socialist group.

Q. It was introduced in duplicate by mistake? A. Duplicate. The next is February 8th, Introductory 441, by Mr. Claessens, amending the Penal Law, abolishing the third degree in the State of New York. This bill was endorsed by civic bodies, and I believe the Bar Association of the city of New York.

Q. When you say abolishing the third degree, would you rather read the language here used? A. Adding new section 1793 to Penal Law, prohibiting sheriffs, police chiefs, jailers, or others, having custody of a person charged with crime or detained because of supposed knowledge of a crime from seeking to obtain confession or information regarding the crime by intimidation, threats or violence of any nature, and prescribing penalty for violation.

Q. Proceed to the next. A. The next is Introductory No. 447—

By Assemblyman Rowe:

Q. What happened to that bill? A. That bill was reported out of committee.

Mr. Karlin.— And passed in the Assembly and killed in the Senate.

The Witness.— No, it was reported out of committee. It was moved to recommit, whereupon I moved to reconsider the motion to recommit and the motion to reconsider to recommit was also defeated and the bill was recommitted and killed.

Assemblyman Rowe.— But it was reported out?

The Witness.— Yes, sir; from your committee, Mr. Rowe.

By Mr. Hillquit:

Q. The official language in connection with this bill is: "Reported to second reading; recommitted, motion to reconsider vote lost."

Q. The next. A. February 11th, a bill by Mr. Garfinkel adding new section 11-a to General City Law providing that the monthly rental asked at time of renting an apartment or apartment house shall be the maximum monthly rental for the twelve months next following unless an express agreement in writing to the contrary is made at time of renting. When landlord intends raising rent at expiration of such twelve months he must give thirty days' notice before expiration of such period. Rentals now charged may not be raised until May 1, 1919.

Under this bill, Mr. Chairman, the speculation that is now going on in the city of New York and in other cities in this State on the part of landlords and real estate speculators would have been almost impossible and the tenant spared the great inconvenience and exorbitant rents that they are now being charged.

The next bill is Introductory No. 465, by Mr. Orr, providing for a raise of salary to city employees, such as policemen, firemen, street cleaners and the like.

The next is February 12th, a bill by Mr. Karlin, Introductory No. 484, reading as follows: Amending subdivision 2, section 142, New York City Municipal Court Act, by providing that when a judgment is satisfied by depositing with the court clerk of the district the full amount due with interest, the clerk may pay the amount deposited to the judgment creditor or his attorney, upon demand, in actions for wages not exceeding fifty dollars. This bill was passed by the House, it was passed by the Senate and it was signed by the Governor, and it is a law today.

Q. Is that the only law which the Socialist delegation, in 1918, has to its credit? A. The only law which the Democrats and Republicans saw fit to adopt.

By Assemblyman Rowe:

Q. I want to ask you about Introductory Bill No. 447. A. That is what date, do you remember?

Q. February 8th. A. Yes, I have it.

Q. And No. 465, February 11th? A. Yes.

Q. What happened to those bills? A. Why, they were killed in committee.

Q. You mean they were not reported? A. They were not reported, dying in committee.

Q. Were the bills moved in committee? A. I do not know; I could not say that.

Q. Well, a bill could not be killed until it is moved; could it? A. Frankly, Mr. Rowe, I never approved of any committee not taking up any bill referred to them; and I proceed on the theory that when a member of this House submits a bill for the consideration of the House, it is the duty of that committee to take up that bill for consideration; and if it does not do so, I consider it defeated by default.

Q. That is your view? A. Yes.

The Chairman.— That is a peculiar idea of it, because I take it that if a member of the Assembly who introduces a piece of legislation has not enough interest in that legislation to come before a committee of the House and move it, that either he introduces it for a ulterior motive or else he is not doing his duty by his constituents.

The Witness.— I thoroughly agree with you on that, and every time the Socialists introduced a bill, they made every effort to secure a hearing.

The Chairman.— I was not reflecting on you. We have 150 or 160 bills before the Judiciary. We could not assume to take up all those bills and act on them without the request of members, because that would be a very serious evil. The way I view it —

Mr. Hillquit.— Pardon me. Suppose we do not go into the theory of it, but do please state definitely whether in introducing the bills you have mentioned so far, and those you are still to mention and describe, the Socialist members of the Assembly of 1918 made every effort to actually secure action on them and, if possible, to have them passed and passed favorably by the Assembly?

The Witness.— Yes, they did so.

By Mr. Hillquit:

Q. What efforts did they make? A. They applied to the chairmen of the various committees where their bills were introduced; they spoke to members of the committees asking them on what dates it would be possible for the committees to take up the bills referred to them. When they received an answer as to the exact

date, they were there to request the passage or recommendation of their legislation. Very often it was impossible to secure such a date, as in the case of the Ways and Means Committee, where most of our legislation carrying appropriations were referred to, the reason assigned was that the budget was being prepared, and the budget was not reported out until some time in March, is that right? Some time in March, and some time in March was near the end of the session. Soon after the budget was reported out the Ways and Means Committee, with other committees, was dissolved, or the work taken over by the Rules Committee, and no other work was possible.

The Chairman.— The Ways and Means Committee do not use any discrimination as to that; they treat us all alike.

The Witness.— Exactly.

The Chairman.— I speak from personal experience.

Q. It is not discrimination that we claim, but it is important to ascertain whether or not these various bills prepared and introduced by you and other Socialists members of the Assembly were so prepared and introduced in good faith, and with the actual desire of having them acted upon favorably? A. Yes, and in some cases motions were made from the floor requesting the House to discharge the committees from further consideration of the bills, where it was definitely known that the committees could no longer take up the consideration of the bills. Those motions were defeated.

Q. Referring to the bills introduced by yourself, Mr. Waldman, you were the best judge of your own motives, did you in each case introduce such bills with the hope and desire that they would be actually acted upon and passed? A. Yes, and in some cases I appeared before the committee, when I was given an opportunity, and spoke for my bill, and I actually got one or two votes.

Q. And in all cases did you follow up your bills and try to get them reported out of committee? A. Yes.

Q. Now, proceed to the next bill.

Assemblyman Rowe.— May I ask another question?

Mr. Hillquit.— Yes, surely.

By Assemblyman Rowe:

Q. These two bills I refer to are salary increases, is that a part of your Socialist program? A. Yes.

Q. Were these little individual bills? A. No, sir, We believe that the State and the city, as employers, ought to be model employers, and at least pay a salary sufficient to make it possible for its employees to make a decent living.

By Mr. Hillquit:

Q. Those were party measures, and not of individuals? A. They were.

Q. I think the next is 487? A. That is right.

Q. By Mr. Shiplacoff? A. Yes; introductory number 487, by Mr. Shiplacoff, adding a new subdivision to section 111 of the Labor Law by prohibiting the employment in bakeries before 5 A. M. and after 9 P. M., except for dough-mixing and sponge-setting. An extensive hearing was held, Mr. Chairman. Authorities appeared, and even some manufacturers conceded that the bill would be a good bill. The committee did not report it out, and Mr. Shiplacoff moved to discharge the committee, and after extensive argument this motion too was defeated.

Q. The next bill? A. February 13th, a bill by myself, introductory No. 512, reading the summary of which—it reads as follows—

Q. Just give the first sentence, that will be enough. A. Reorganizing the College of the City of New York and changing its name to the University of the City of New York. Its purpose was to establish university courses in all subjects, instead of merely academic subjects, as is being taught today.

Q. And to give free education in all courses? A. Yes, free education is being given today, except they have no professional courses.

Assemblyman Rowe.—And there was an appropriation to that bill?

Q. There is an appropriation of \$500,000. A. Yes, in the preparation of this bill learned men such as Dr. Beard, and such other educational men of knowledge in the city of New York, participated, their suggestions were accepted and incorporated in the bill section by section, and the bill is the combined product of the educational brains of New York. The next bill is introductory No. 513 by Mr. Garfinkel, abolishing private employment

bureaus in New York, and establishing a comprehensive system of state employment bureaus.

Q. What evil did this bill seek to obviate? A. It sought to obviate the evil of the private employment bureau seeking to get men for jobs instead of getting jobs for men. The duty of an employment bureau should be to secure jobs for men, with the object of reducing unemployment, instead of making a profit on every man that secures a job, good or bad, so long as he gets a place.

Q. Does the principle embodied in this bill represent a demand of organized labor? A. It did, sir; and it was based on the experience of the National Employment Bureau.

By Assemblyman Rowe:

Q. That carried an appropriation? A. Yes, it did.

By Assemblyman Harrington:

Q. How much? A. Why, it carried an appropriation of \$50,000.

Q. Not enough? A. Well, we could have gone that far.

The Chairman.—Proceed.

The Witness.—On February 14th, three bills introduced by Mr. Karlin, introductory No. 559, introductory No. 560, and introductory No. 561.

By Mr. Hillquit:

Q. All relating to— A. All relating to the amendment demanded by organized labor to the Compensation Law of the State of New York. All these amendments are the result of demands of the State Federation of Labor.

Q. For the purpose of making the Workmen's Compensation Act more liberal towards the New York workers? A. Exactly, and to make it possible for the State to establish a sound insurance fund, instead of such as exists today.

Q. In other words, making the compensation not only more liberal, but also more certain? A. Exactly.

Q. The next bill? A. The next bill is February 18th, by Mr. Waldman, introductory No. 589. This bill was to create a hydro-electric commission on powers, to develop and conserve the water powers of the State of New York, both the inland waters and the waters of international streams, such as Niagara Falls and the St. Lawrence river. Under this bill, according

to a conservative authority, at least two million horsepower of electricity, or at least horsepower of energy, could be produced. This power could be generated under the supervision of the State and distributed by the municipalities. Provision is made for the acquiring of whatever plants there are in existence today, and owned by private companies, in order to include them in a comprehensive system of electricity production. These bills were fought actively by lobbyists and indirectly through other agencies, by the power trust of the State of New York, the Niagara Falls Power Company, the gas companies, under the directorship of our friend Brady. The electric companies all over the State were fighting this bill. Under this bill, Mr. Chairman, the State of New York could conserve annually close to 16,000,000 tons of bituminous coal. For every horsepower of electricity produced, 8 tons of coal are saved. Two million horsepower of electricity is sufficient power to operate every wheel of industry in the State of New York; to light every home in the State; to supply power to every farmer, and operate our electric railway systems of the State. This water power is going to waste today, and in the process of being wasted it results in destruction of lands that are lying alongside of the rivers, such as the Hudson, the Mohawk, the Genesee and other rivers; and it also results in freshets, which destroy a good many farms.

Q. Was this bill passed and did it become a law? A. On this bill there was at least 50 delegates from Jamestown, Buffalo—Buffalo particularly—the citizens organization—demanding a hearing. There were dozens of letters I received on the subject. Delegates from most western cities of the State, for the most part, demanded to be heard on this bill. I followed Mr. Machold, the Chairman of the Ways and Means Committee, for almost two weeks. When it became certain that I would not get a hearing, I demanded a hearing; I moved on this floor that this bill be taken out of the hands of the Committee and considered by the body. I wanted the satisfaction of having the body as a whole either defeat or pass the bill. My motion was defeated and the bill was killed.

By Assemblyman Rowe:

Q. That carried an appropriation? A. It carried an appropriation only for the purpose of having a commission, and then it carries a section providing for the submission to the people of the State of New York, for a vote, on an appropriation, for twenty.

million dollars of bonds to be issued by them. I could not make that appropriation under the Constitution direct, but I could by asking that it be submitted to the people; and only after the people, by popular vote, had said that twenty million dollars' worth of bonds could be issued for the purpose, this bill could have been made a law, and not otherwise. There was only a \$20,000 appropriation provided for the creation of a committee and the purpose of carrying out the act.

By Mr. Hillquit:

Q. For that purpose it carried an appropriation? A. Yes, and it provided for the unconstitutionality of any section of the act; and may I add that a Conference of Mayors, in 1918 — not of the city of New York, but through the State — expressed the sentiment that this bill was to be preferred to all other water power bills then pending in the State Legislature.

Q. Did you have any expression of views on the bill from the rural communities of the State? A. I did. Many farmers have come and spoken with me and have said that this bill, if embodied, would stimulate production and save a great deal of manpower and womanpower that is to-day being wasted.

Q. Your next bill, Mr. Waldman? A. The next bill is February 20th, Introductory No. 662, by Mr. Whitehorn, an amendment to the State Constitution, a joint resolution providing for the initiative and referendum in the State of New York.

Q. The next? A. The next is February 22d, a bill introduced by Mr. Rosenberg, Introductory No. 704, providing that in cases of wage suits the attorney's fee shall be paid in case the wage earner wins the suit.

By Mr. Conboy:

Q. I presume you mean by that that the attorney's fee shall be paid by the employer? A. Yes.

Q. You simply said it should be paid. I hoped it would be paid in any event. A. Yes, because in many cases the fee of the attorney, paid by the plaintiff, is more than the amount of the suit.

By Mr. Hillquit:

Q. I believe that in cases of less than \$50, no costs are allowed the plaintiff? A. Yes.

Q. And in cases of less than \$50, the plaintiff has to pay? A. A suit for any sum.

By Assemblyman Rowe:

Q. There is also a provision for extra costs in the event a claim is made for wages?

Mr. Hillquit.—It does not apply to males, I think.

Assemblyman Rowe.—I think it applies to males and females in the city of Buffalo.

The Witness.—Buffalo is a very progressive city.

Mr. Hillquit.—I am not posted on that.

The Witness.—Introductory No. 726, by Mr. Feiglebaum, adding new sections 13-c to 13-i to General City Law, authorizing first and second class cities to acquire land by purchase and condemnation, and erect dwellings or apartment houses thereon, according to the style of buildings prevalent in the particular section, and rent the same to the inhabitants at cost. There is to be a dwelling commission in charge of a commissioner elected at the November election for the same term as the mayor, to carry out the provisions of this act.

Q. Now, that is a municipal dwelling bill, is it not? A. Yes, and designed for the purpose of relieving the present congestion which exists in New York and other large cities.

Q. And also excessive rents? A. Yes.

Q. Your next bill? A. February 27th, by Mr. Orr, amending sections 751, 753, 755 and 756, and repealing section 752 of the Criminal Code, by changing the provisions relative to appeals and release on bail pending appeals.

Q. That is to facilitate giving of bail in criminal cases pending appeal? A. Yes, sir.

Q. The next? A. February 28th, by Mr. Claessens, introductory No. 807, providing for submission to the voters at a general election, this fall, of the question, should the Legislature approve the amendment to the Constitution of the United States relative to prohibition. The Legislature must not take action on ratification of the Federal amendment until the result of the people's vote has been certified to the Legislature of 1919. This bill was referred to the Excise Committee. It was the first bill submitted to this House regarding the referendum on

the prohibition question. No other bill was then pending excepting a bill, or a resolution, to ratify; and when it was decided by the House, on the motion of Majority Leader Adler, that Tuesday, March 12th, the question of prohibition would come up for final determination, Mr. August Claessens moved, on Monday night, for the suspension of the rules for the purpose of getting the bill before the House, and getting the sentiment of the House on the referendum on prohibition. That motion was lost by a vote of 40 to 70. At the same time Mr. Malone, of the Republican Party, took the copy of Mr. Claessens' bill and verbatim, excepting change of name, introduced it by unanimous consent, and brought it before the House the next morning. That morning the debate was held on the question of referendum, and after a series of debates, lasting for over six hours, the question of referendum was carried; not the Socialist bill, which was the first one to be introduced, but Mr. Malone's bill, moved by Mr. Machold before the House, we Socialists supporting the bill.

Q. And did we get any compensation for that appropriation of our property? A. Not to my knowledge.

Q. Next. A. Introductory No. 824, by Mr. Whitehorn, and Introductory No. 825, both of which are concurrent resolutions providing for the amendment of the State Constitution, taking away from the courts the power to declare laws unconstitutional and make them null and void.

Q. Next. A. Introductory No. 847, a bill by Mr. Shiplacoff, providing that the State printing be handled by an independent commission created for that purpose; that the present State Printing Board be not permitted to continue to let out the contracts for State printing as it had done heretofore.

Q. What was the object of that bill? A. The object of the bill was to do away with the farce and practice of saying that we are letting out contracts to the highest or lowest bidder in the printing of the State, which numbers tens of thousands of dollars, but which actually goes to the Lyon Printing Company, dominated by Will Barnes.

Q. Next bill. A. I skipped the order. I should take 838, now, on the same day. Introductory No. 838, by Mr. Claessens, providing that ticket speculators be prohibited in first and second class cities. This bill was reported out and carried in the Assembly, but defeated in the Senate.

Mr. Conboy.—I suppose that means theatre tickets?

The Witness — Yes, theatre and opera.

Q. Next. A. The next bill is 844 by Mr. Rosenberg, amending the Labor Law, providing for a universal eight-hour day for the workers in the State of New York. March 7th, by Mr. Feigenbaum, a concurrent resolution amending section 1, article 2, Constitution, by providing that in New York city four months' residence within the city instead of within the county shall be sufficient to entitle a citizen to vote if otherwise qualified.

Q. What was the intention of that law? A. The intention of that law was to make it possible for the workers of the city of New York who move about from county to county, sometimes to follow the place where they are employed, to be enabled to vote.

Q. In the county of New York for four months and Greater New York for one year? A. Instead of that provide that they may live in Greater New York for four months.

Q. No, sir; as it stands at present, Mr. Waldman, if you happen to move from the Bronx to Manhattan, say one street — say one street — A. Yes.

Q. You lose your right to vote unless you have remained in Manhattan for a certain length of time? A. That's right, four months.

Q. The intention of this bill was to obviate this condition and to make the entire Greater City the residential test rather than one of the counties in the city; is that it? A. You are right. I change my interpretation.

Q. Next. A. March 8th, a bill by Mr. Gitlow, repealing the provision in the Kenyon Ice Bill which gives power to Mr. Benjamin B. Odell to arbitrarily stop the manufacture of artificial ice. I shall explain the bill to which this amendment was offered.

Q. Suppose you just state the motive in passing the bills; was it in order to prevent profiteering in ice and increasing the price to the consumer? A. It was more than that. Under the Kenyon Ice Bill power was given ex-Governor Benjamin B. Odell to suppress the manufacture of artificial ice near and around Greater New York and to order the natural ice harvesters to harvest two millions tons of ice over and above the normal harvest of ice in the State of New York. The argument in behalf of the bill on this floor —

Q. And guaranteeing payment of such excess production? A. Yes, and in the event that the ice trust or companies do not sell the natural ice say by a certain day that year at a reasonable profit, the State of New York guaranteed to the owners of that

ice or the ice harvesters the invested money in the ice plus ten per cent profit on the investment. This bill was reported out by the War Committee under the guise of a war measure. When we asked them where the war measure came in they said that it was necessary to suppress the production of artificial ice, because in the production of artificial ice ammonia was a chemical element, and that ammonia was needed for the purposes of war. We had not disputed that point, and we voted for it because we **did not** want to vote against that provision of the bill which might have impaired the production of ammonia in this country, but subsequent to our vote we sent a letter to Congressman Meyer London to ascertain at Washington as to whether ammonia was at present a scarcity in the country. Mr. London referred our letter to Mr. Hoover. Mr. Hoover referred our letter to the chemical bureau of his department and we received a telegraphic reply saying that no other State curtailed the manufacture of ice, that ammonia is plentiful, that there is no scarcity of that chemical. We then moved for the repeal of that provision of the law, because we felt that the ice trust was going to create a scarcity of ice on the other hand by suppressing the artificial production of ice and on the other hand by thorough and complete control of the natural ice. The result of the bill, Mr. Chairman, was that ice the following summer was at least twice the price that ice was the year previously, Benjamin B. Odell being himself largely interested in the ice business.

Q. What happened to your bill, Mr. Waldman? A. The bill was referred to a committee and there died.

Q. Frozen to death? A. Frozen although the telegram was read to the House and the information given to the House.

Q. The next bill? A. The next bill by Mr. Waldman, Introductory No. 991, providing for the issuance of not exceeding twenty million dollars bonds for the State Food and Milk Commissions, for establishing a system of manufacture, purchase and sale of necessaries of life at cost to the people of the State. I want to explain this.

Q. Was the object of this bill to decrease the cost of living? A. No, sir. The object of this bill was to meet an appropriation provided for in the food bill and in the milk bill but which under the Constitution there cannot be an appropriation by the House. Under the Constitution the House cannot appropriate for a specific purpose otherwise than the support of government an appropriation of more than a million dollars. If more is to be appropriated

a vote must be taken by the people. The appropriation in one of the bills was fifteen million dollars under the milk bill and this was to be submitted to the people for a vote at the next regular election.

By Mr. Conboy:

Q. Which food and milk bills are you referring to that carry appropriations of twenty million dollars? A. The food and fuel and milk bill introduced by myself.

Q. And this bill you have just referred to, 991, was a correlative or reciprocal measure to yours? A. A correlative.

Q. And provided for raising of twenty million dollars to make effective the other two bills? A. No, it was provided that this twenty millions was to be issued in bonds and that the people vote on the question for the purpose of financing the two projects in the other two bills.

Mr. Conboy.—His answer was much more, as he put it, was much more explanatory than if he answered the question categorically.

The Witness (Continuing).—March 9, Introductory No. 982 by myself providing for the establishment of ten State universities throughout the State, the State to be divided into ten educational districts for that purpose.

By Mr. Hillquit:

Q. The object being to increase and advance public education in the State of New York? A. Yes, sir, and more than that, to do away with the present control of our colleges and universities by the vested interests.

Q. Mr. Waldman, you are asked if that carried an appropriation? A. I shall tell you at once. It did not, Mr. Blodgett. It did not carry an appropriation.

Mr. Hillquit.—Mr. Harrington asked you the question.

The Witness.—It did not carry an appropriation.

By Mr. Conboy:

Q. Wasn't there any means provided for the establishment of these ten universities? A. Well, I first provided that the Department of Education under its commissioner lay out the plans for the establishment of the universities; that they properly divide

the State into educational districts and after they have done so to report to the Legislature the necessary legislation for the establishment of the ten universities.

Q. That would have necessarily carried appropriations? A. It may have. The Department of Education may have reported that they did not need so many universities.

Mr. Hillquit.— If your bill had been carried into effect—

The Witness.— There would have been an appropriation necessary.

Mr. Hillquit.— An appropriation would subsequently have to be applied for?

The Witness.— Yes, sir.

Assemblyman Harrington.— Did that have the approval of the Department of Education?

The Witness.— No, sir. I didn't submit this bill although I submitted my first bill to the Department of Education.

By Mr. Hillquit:

Q. This was not submitted by you to the Department of Education? A. No, sir. March 13th, Introductory 1045 by Mr. Whitehorn, concurrent resolution to amend the State Constitution for the purpose of establishing the recall of public officers.

Q. Next? A. March 14th by Mr. Shiplacoff, Introductory No. 1082, adding new sections 131 and 136, General City Law, requiring first and second-class cities to establish one or more day nurseries for children of twelve or under left without proper care while their parents were at work.

Q. What was the object of this bill? A. The object of this bill was to take care of the children in cases where the father is dead and the mother has to go to work.

Q. In your own observation are such cases frequent in your district and similar districts in the city of New York? A. They are, sir, there are private charitable institutions, in many cases very inadequately provided for because of lack of funds, and perhaps lack of comprehensive knowledge to deal with the children.

Q. What I meant by my question was whether in these working class districts in the city of New York conditions such as you describe of orphans, say the father being dead, with the mother having to work, are frequent? A. They are.

Q. In large numbers? A. Yes, sir. March 15th, by Mr. Orr, Introductory No. 1117, amending section 609, subdivision 11, section 791, and subdivision 2, section 968, Civil Code, by providing that injunctions between employers and employees may be granted only upon notice of the defendants and after hearing and decision of the application.

March 22nd, by Mr. Karlin, prohibiting—

Q. What number is that? A. Introductory No. 1197.

Q. 1197? A. Yes, sir. Adding new section 15-a to Domestic Relations Law, prohibiting the marriage of incompetents; requiring applicants for marriage licenses to present certificate showing that they are free from insanity, imbecility, pulmonary tuberculosis or other transmissible disease dangerous to human life. The Governor must appoint a qualified man and woman physician in each city and town approved by the State Health Board to make examinations.

Q. I think you omitted in the chronological order, Mr. Waldman, Bill 1187 by Mr. Rosenberg, requiring the payment of weekly wages by corporations and joint-stock associations to be made in lawful money of the United States. A. I think I have.

Q. There was such a bill? A. There was.

Q. And what was sought to be accomplished by that bill? A. The purpose of it was to make it impossible for an employer to engage a person at monthly salary and then keep him, say, a week, pay him for the week and fire him.

Q. No, you do not get it. A. Perhaps I missed the summary. Let's see that. Oh, yes, to make it impossible for employers to pay their workers by check. In many cases these employees have to go down to the saloon, in times of the saloon, to cash the check. That was a conductive element in drinking. In some cases they have to pay a little rake-off to the grocer or other people that cash the checks for them. This was intended to provide that employers can only pay in cash for wages.

Q. The next bill? A. March 25th, Introductory No. 1208, by Mr. Shiplacoff, adding new sections 1279 to 1279-b, Penal Law, prohibiting employers from discriminating against any employee on the ground of race, creed or color, or from advertising in terms or effect that persons of a particular race, creed or color will not be accepted.

The next one is Introductory No. 1212, by Mr. Feigenbaum, making it unlawful for the Governor to send the State Militia or

National Guard to any locality in time of strikes, lockouts and other industrial disputes and prohibiting the use of the State Police in such cases in any manner. Only the police power of the county or city may be used for preserving order and that only after exhaustive investigation provided for by the act.

Introductory No. 1213 —

Q. Introduced by Mr. Feigenbaum? A. Yes, sir.

Q. The next.

Assemblyman Harrington.—I would like to ask a question, if I may, Mr. Hillquit?

Mr. Hillquit.—Certainly.

By Assemblyman Harrington:

Q. How does that compare, Mr. Waldman, with what you said a few moments ago with regard to strike breakers, that you thought it was the duty of the State to protect owners of private property in such cases? A. This bill provides for that,—only police power of the county and city may be used for the preservation—for preserving order.

Q. That is different from the State, is it not? A. I meant the State as the community, the organized society, whether it expresses itself in municipality, in the State or nation, that organized society shall protect life and property, as society, instead of permitting each individual employer to hire his own protection.

By Mr. Hillquit:

Q. Now, Mr. Waldman, that is one principle. A. That is one principle.

Q. You say the principle of Socialism is that private individuals shall not be allowed to employ armed forces for the alleged protection of their property? A. Exactly.

Q. You say it should be public force? A. Yes.

Q. You used the expression "State." A. Yes, sir.

Q. When it comes to the subject of designating what kind of force it should be, is it or is it not the position of the Socialist party and also of organized labor that the preserving of order in case of industrial disputes is the function of the police, and not of the military. A. Exactly.

By Mr. Conboy:

Q. That is the position of organized labor and the Socialist party as expressed by Mr. Hillquit in his question to you? A. As expressed by the State Federation of Labor in many of its conferences, and by the rest of the organized labor. Introductory No. 1213 by Mr. Feigenbaum providing that no one shall be eligible for appointment as deputy sheriff in any case who has not been a resident of the county for at least one year,—

By Mr. Hillquit:

Q. Continue that. A. Well, my continuation is impossible.

Q. And deputy sheriffs in connection with labor disputes must have been residents of the county at least three years? A. Yes, which is part of the same provision.

Q. And what was the object of this bill? A. The object of the bill was also to make it impossible for the swearing in of deputy sheriffs, in time of strikes, that are imported from a good many States, and in many cases employed by detective agencies or professional strikebreaking agencies.

Q. And was that on the demand of the Socialist movement and the organized labor movement in the State of New York? A. Yes, it was.

Q. The next bill. A. March 27th, a bill by myself.

Q. You have left out the one of March 26th. A. An omission again?

Q. 1223,—no, I beg your pardon. It is March 27th. Go right ahead. A. 1223, by myself, amending section 221-a, Tax Law, by increasing the rates of the transfer tax for the various schedules.

Q. The next, Mr. Waldman. A. The next is a bill by myself enacting a new social insurance law, Introductory No. 1287.

Q. You have omitted 1224 by Mr. Shiplacoff? A. I think I have. I overlooked that. Yes, sir; 1224 by Mr. Shiplacoff, repealing chapter 568, Laws of 1916, which amended sections 5, 9, 11, 80 and added new section 9-a to Military Law, authorizing the Governor to organize the reserve militia of the State and to call for volunteers or to make drafts therefrom to the active militia and relative to examination and inspection of officers of the reserve list.

Q. The next bill? A. Introductory No. 1225 by Mr. Orr, providing for the election of the board of education in New York

city, instead of appointment as it is to-day, and also providing that the teachers of New York have a voice on the board of education. This bill was designed to democratize the management of our educational institutions.

Q. In the city of New York? A. Yes.

Mr. Conboy.—Would you mind if I may ask how does it democratize our educational institutions?

The Witness.—In the first place, it permits teachers to have a voice on the board of education, which they have not to-day; secondly, it permits the people to vote for members of the board of education of New York city, instead of being appointed, as they are to-day, by the mayor; and we contend a popular election is more democratic than an appointment by the executive officer; also that a voice being added on the board of education by the teachers is adding democracy in the management of the educational institutions.

Mr. Conboy.—Yes, thank you.

The Witness: (Continuing) —Introductory No. 1226 by Mr. Gitlow, providing that the right of free speech, free press and assemblage shall be maintained, and prohibiting ordinances or laws denying or abridging the same.

The Chairman.—Was that a bill or a constitutional amendment?

The Witness.—That was a bill.

Introductory No. 1227, by Mr. Whitehorn, adding new section 25 to Labor Law, providing that hiring at a fixed salary or compensation per week, month or other period in the absence of agreement between the parties as to duration or termination thereof, creates an implied contract for such period, and successive periods of like duration, terminable only upon reasonable notice before expiration of any such period.

By Mr. Hillquit:

Q. And the last one, Mr. Waldman? A. And the last one was one by myself providing for a comprehensive system of social insurance for benefits to employees in case of old age, unemployment, death, sickness and accidents not covered by the Workmen's Compensation, and for their dependents in case of sickness,

accident or death, and to furnish maternity benefit and provide for contribution by employees and employers and by the State, and creating a State Health Insurance Commission. The Industrial Commission is to enforce the law. Two hundred thousand dollars is appropriated.

Q. Now, Mr. Waldman, those were substantially all of the bills introduced by the Socialist members of the Assembly of 1918? A. Yes, sir.

Q. I ask you whether the work of the Socialist members of the Assembly at that session was limited to the framing and introduction of these bills? A. No, sir; it was not.

Q. Did the Socialist members of the Assembly also attend the regular meetings of the Assembly? A. They did, very regularly.

Q. And take part in the discussion on the various measures pending before the Assembly? A. They did.

Q. And did any of them serve on committees? A. Most of them did.

Q. And did they attend their committee sessions? A. Whenever they were fortunate to have a committee meeting.

Q. Were they regular in attendance upon committees and in the regular sessions? A. Every time a committee meeting was held.

Q. Or the regular sessions of the Assembly? A. Or the regular sessions of the Assembly.

Q. Did the Socialists in the session of 1918 limit their discussions and their interest to the bills originated by them or did they also take part in the discussions on other bills? A. Mostly in the discussion on other bills because our bills did not come before the House.

Q. And did they show an interest, an active interest, I mean, in the proceedings of the Assembly all through? A. Fairly.

Q. How many bills were passed by that Assembly, I mean that session of 1918? A. Over eight hundred bills came up for vote in this House.

Q. And did the Socialist members of the Assembly take part in most of the votes or all of the votes on those bills? A. They did.

Q. When you say they did you mean what—they voted on most or voted on all? A. They voted on all the bills that came up before the House for a vote.

Q. And you say there were how many in number? A. There were over 800 bills.

Q. Now, of these 800 bills, as I understand it, only one was a bill that originated with a Socialist member of the Assembly? A. Yes, sir.

Q. And the remaining 799 or 800 and some originated with members of the Republican or Democratic parties? A. Mostly the Republican.

Q. Did the Socialist members of the Assembly vote uniformly against such bills introduced by Republican or Democratic Assemblymen? A. No, sir, they voted in favor of most of the bills and are so recorded.

Q. Would you state approximately how many bills out of the 800 you mention the Socialist members of the Assembly supported by their votes? A. I would be far from exact but I would say close to 600.

Q. Then the greater number of such bills received the votes of the Socialist Assemblymen? A. They did.

Q. On what grounds did you and the other members of the Socialist party in the Assembly vote in favor of such bills originating with Democratic or Republican Assemblymen? A. On the grounds that those bills did no harm nor good, and any bill that did no harm we voted for.

Q. Well, what are some bills that you thought were positively good? A. Frankly, none, excepting two.

The Chairman.— Two bills you put it at?

The Witness.— Yes, two is an exaggeration.

By Mr. Hillquit:

Q. Did you in every case go by the merits of each particular bill or measure? A. Yes, sir, I did.

Q. And you say in case there was nothing objectionable from your point of view you voted for such bills? A. Yes, sir.

Q. And in what cases did you vote against proposed measures or bills? A. We voted against such measures as in our judgment were distinctly objectionable, and against the interests of the people of the State of New York.

The Chairman.— We will take a recess until 2 o'clock sharp.

(Whereupon, at 12:24 o'clock P. M. a recess was taken until 2 o'clock P. M.)

AFTER RECESS, 2:10 P. M.

The Chairman.— Proceed.

LOUIS WALDMAN, recalled, testified as follows:

Direct examination continued by Mr. Hillquit:

Q. Mr. Waldman, in your answer to my last question before adjournment, you stated that the Assembly, or the Legislature, of the State of New York, in 1918 had passed one or two good bills. Will you please explain what you meant by that statement? A. I meant that viewed from the point of view of the important problems pending before the people and the State legislature, demanding solution, the actual legislation that came before the House and that finally became law was practically nil — one or two. Superficially, using the words "Good legislation," there may have been a few more bills.

Q. Your criticism of the legislation passed then was largely that it was of a trivial character? A. That is right.

Q. And when you said one or two good bills had passed, you meant what kind of bills? A. Bills of a fundamental constructive nature.

Q. Such as would fundamentally benefit the people? A. Yes, sir.

Q. Were you alone in your criticism of that particular session on the ground of the trivialities of its accomplishment? A. No, sir, this was the opinion of conservative authority, the press and civic bodies the State over.

Q. Will you give some definite opinions? A. I shall just refer to one or two. A summary of the legislative work on April 14, 1918, the day after adjournment, in the New York Times, reads as follows: "No Legislature in the memory of any lawmakers now at the Capitol has achieved so little in the way of constructive legislation."

Q. And that was published in what paper? A. In the New York Times of April 14, 1918. In a magazine called The State Service published by the official State printer, J. B. Lyon Company, considered in a way as a sort of semi-official organ, reads as follows editorially: "It is considered that the session accomplished less than the average."

Q. And that session referred to was the session of 1918? A. Yes, this appeared in the May issue of the State Service.

Q. 1918? A. Yes, sir. I shall refer now to one more civic body, the Citizens' Union, which says in page 5 of its summary of the work of the Legislature as a whole, and the legislators individually, on page 5 it reads as follows: "This session was probably the least important of the past ten years. Had the 1917 Legislature been able under our Constitution to have provided for the financial support of our government for two years instead of one, the 1918 session might have been omitted without jeopardy to the welfare of the State as a whole. Legislators went to Albany in January with no definite purpose, and for more than two months practically nothing was done."

Q. Is it something like the sentiments expressed in your quotations from these newspapers and that report that you had in view when you said only one or two bills were good? A. Yes, sir, from that point of view.

Q. With reference to the other bills, the six hundred and so, for which you and the other Socialist members of the Assembly voted, did you consider that within their sphere they contained sufficient elements of good to warrant you to vote in their favor? A. Yes, we did so consider.

Q. And upon such consideration you voted in favor of such bills regardless of their origin? A. We did, sir.

Q. In any sense of the term did you or any other Socialist member of the Assembly in that year practice obstruction to the business of the House? A. No, sir; never.

Q. Did you or any other Socialist member of the Assembly of 1918 practice acts of violence on the floor of the House? A. No, sir, and under the rules it would have been impossible.

Q. Did you attempt any? A. No, sir.

Q. Were you or the other Socialist members of the Assembly in that session held by the Chair to have been guilty of disorderly conduct in connection with the deliberations in the House? A. Never.

Q. With reference to the bills you voted against what was the reason for your opposing such bills? A. I shall give a general classification of the nature of the bills which we opposed, and in connection with each, state in a sentence or two the reason for the opposition.

Q. Well, suppose you make it briefer still, Mr. Waldman; just state in a general way the character of such bills — the objectionable features of such bills, — as you saw them? A. The

bills were either special privilege bills for corporations or individuals making claims against the State, which were once adjudicated, or which were in a position to take advantage of the law, but did not — a series of bills, perhaps of the number of 20 or 25, for private claims against the State. The second kind of bills were bills of a profiteering nature, such as the Kenyon ice bill, such as the Meyer elevator bill, led by a democrat on this floor and by the Armour Grain Company, a member of Armour Bros.; bills of the nature of the Carson-Bulick Bill, which sought to relax the fire laws in the factories of the State of New York. Bills such as introduced by Assemblyman Slacer in behalf of gas companies up State, confessedly so by one of their lobbyists, Mr. Williams, on this floor. Bills against property qualifications of citizens in the State of New York, in third class cities, introduced by Mr. Welsh and others — property qualifications for voters in third class cities on municipal bonds; a bill which was offered as an exhibit by Mr. Robinson, calling for industrial compulsory labor. We consider that bill a violation of section 1 article 13, of the Federal Constitution, which provided against involuntary servitude. We still consider that bill as such. Bills of this character we spoke against and voted against whenever they came up before the house.

Q. Mr. Waldman, you are specifically charged in this proceeding with having voted against a resolution in honor of the memory of Abraham Lincoln, on the 12th day of February, 1918. What are the facts in connection with that resolution and your vote on it? A. That resolution was introduced by Mr. Albert Link, of Kings county, not on February 12th, but on Monday night, February 11th, one day prior to the birthday of Abraham Lincoln. He introduced a resolution ostensibly as a Lincoln resolution. As a matter of fact, the resolution contained very little reference to Abraham Lincoln, but contained a recitation of historical facts which we considered untrue, and could not support, and for that reason voted against the resolution.

The Chairman.— Is the resolution in evidence?

Mr. Conboy.— Yes, sir.

By Mr. Hillquit:

Q. Was there another resolution offered on the floor of the Assembly in honor of Abraham Lincoln, at that session? A. The

next day Mr. Adler offered a resolution in commemoration of the birthday of Abraham Lincoln, and Mr. August Claessens, for the Socialist delegation, seconded the resolution with a speech explaining our affinity with Abraham Lincoln; explaining that Abraham Lincoln sought to abolish chattel slavery and that we seek to abolish wage slavery; that we have a particular reason for loving, admiring and revering President Abraham Lincoln. The Socialists voted with the Adler resolution, and it was unanimously carried.

Q. Prior to seconding the Adler resolution and voting for it, had the Socialist members of the Assembly prepared a resolution of their own in commemoration of Lincoln's Birthday? A. They had and they came here prepared to offer it when the majority leader offered his resolution which met with the approval and which in substance was the same as the resolution we prepared.

Q. And you thereupon did not offer your own? A. We did not, but seconded the resolution offered.

Q. It was also charged here directly and inferentially that you and the other Socialist members of the Assembly in 1918 voted against an appropriation for the maintenance of the State Militia. Is that correct or is it not? A. That is not.

Q. Was there ever a bill offered in that session of the Assembly making appropriations for the maintenance of the State Militia? A. There was not.

The Chairman.—That was in the general appropriation bill.

Mr. Hillquit.—We will come to that.

Q. The bill which contained such an item was what bill? A. That was the general appropriation bill known as the annual budget. It was a bill containing an appropriation of about \$78,000,000 covering 185 different departments, agencies, boards and bureaus, consisting of over ten thousand single items. I complained on the floor when it came out for debate that we, the Socialists, ten of us, were not permitted to examine the items of expense which was embodied in that legislative appropriation. At the beginning of the term we sent a letter to Speaker Sweet upon his own suggestion requesting him that at least one member of our group be placed on the ways and means committee. This was denied to us. We then offered a resolution requesting that at least our floor leader be permitted with a voice but not vote so that we might be informed how the millions of dollars were being

spent, so that we might be informed how the various items were being appropriated for. This was denied too. The bill was sprung upon us five days before it was put for final vote. It contained seven hundred pages of nothing but statistics and figures carrying with it \$78,000,000. At that time most of the bills for consideration came up at the rate of about 70 or 80 a day. It was impossible for any member of the House to address himself to a statistical analysis of the budget. It was therefore presented to us that we vote for the budget blindly, without knowing what it carried with it. We claimed and we claim now that the budget carried with it superfluous appropriations; that it carried with it uneconomical expenditures; that the budget was a fountain from which flew a great deal of political patronage to the party in power and we refused to put our stamp of approval upon the appropriation of \$78,000,000 of the people's money without knowing where the money went to and with a knowledge that in some cases it went in the wrong direction.

Q. Mr. Waldman, did the general appropriation bills permit members of the Assembly to vote upon each item of expenditure separately, or were you required to vote on the whole thing affirmatively or negatively? A. We were compelled to vote for the whole thing, or nothing.

Q. You could not single out separate items? A. We could not.

Q. The contention has been made here, Mr. Waldman, and we shall not go into the merits of it at this time, that a certain provision of the Constitution of the State of New York makes it mandatory upon every member of the Assembly to vote in favor of appropriation for a force of ten thousand in the State Militia; Assuming, but not admitting, that this contention is correct; assuming further that a separate appropriation bill for the maintenance of such force had been presented; assuming further that the amount appropriated would have in your opinion been reasonable, not extravagant: then I will ask you whether or not in accordance with the general principles of the Socialist party as you understood them, you should have voted for it? A. I would have voted for it.

Q. Will you state why you would have voted for such a measure in face of the provision of the Constitution of the Socialist party of the United States prohibiting its representatives in legislative bodies from voting any military appropriations under

pain of expulsion from membership? A. Because I do not consider any provisions in the Constitution of my party as intending in any way to be contrary to the Constitution of the State or the United States. I presume, and I am certain the Party presumes, as a political party, that all provisions contained in the Constitution are legal and within the constitutional requirements of the State and the Nation. Should it be shown that any provision in the Constitution is contrary to the Constitution of the State or Nation, it is the duty of every member to construe the Party Constitution, to come within the Constitutional provisions of the State and the Nation.

Q. How long have you been a member of the Socialist Party?

A. Since 1913.

Q. That is a period of about seven years? A. Yes.

Q. And during that time have you followed up quite closely the official pronouncement of the Socialist party, nationally and locally? A. I have.

Q. And the discussions in the various conventions of the Socialist Party? A. I have.

Q. Nationally and locally? A. I have.

Q. And the proceedings of the party? A. I have.

Q. Do you know of any single instance in which a member was expelled either from his local organization, or state organization, or national organization, from doing anything which the law or Constitution of the State or the nation directed him to do? A. I do not know of any such case.

Q. Do you know whether or not, in all cases in which the question of a possible conflict between general provisions of the party constitution or constitutions and the law, positive law, should arise, whether in all such discussions it was maintained by the party that the first duty of the member of the party is to comply with the law of the land? A. That was the understanding.

Q. Mr. Waldman, upon entering your duties as a member of the Assembly in 1918, and again in 1920, you subscribed to the Constitutional oath of office, did you? A. I have.

Q. And did you read the language of such oath? A. I did.

Q. And did you fully understand it? A. I did.

Q. And did you take this oath without any mental reservation of any kind? A. None whatsoever.

Q. Do you know of anything arising from your membership in the Socialist party, or from your general social convictions and beliefs which would in any way interfere with your full, strict

compliance with your constitutional oath? A. I know of none, and I believe I can carry it out better by being a member of the Socialist party.

Q. During your term of office in 1918 did you or any other socialist member of the Assembly, to your knowledge, receive any instructions or directions from any committee of the socialist party with reference to any vote in the Assembly? A. None whatsoever, excepting once we were called to a conference by the State committee to jointly discuss our attitude toward the question of prohibition. When the call was made, it was three days after we had already submitted a bill to this house calling for a referendum vote. This was concurred in at the general conference, and we proceeded to work for that bill on the floor.

By Mr. Hillquit:

Q. Other than that did you receive any kind of instructions or directions from the Socialist party, or any committee of the Socialist party, or any member or leader of the Socialist party, as to the manner in which you should vote on any proposed bill? A. None whatsoever.

Q. Did the Socialist party, or any of its representatives, ever instruct you to introduce a special bill favoring any kind of special interests? A. Never.

Q. Or to vote for or against any bill introduced by anybody else for such purpose? A. Never.

Q. Coming now to certain charges made against you individually in the course of this proceeding, I shall first direct your attention to the speech alleged to have been made by you on the 7th day of November, 1919 on the occasion of the second anniversary of the Soviet Republic of Russia, and ask you —

The Chairman.—What page is that on?

Mr. Hillquit.—I have here before me the brief of counsel, which, however, refers to the pages — I will give it to you in a moment — page 315, I think — given in full, it says, at page 310. I will ask you to read the portion of that speech, or alleged speech, quoted by counsel for the Committee in the brief, at page 66. Please read it aloud. A. (Reading):

“In that decree there was a clause which must have been a copy of one of the laws passed in the State of New York a couple of years ago when I was in the Legislature, and

this is what it was: they declared an industry in Russia non-essential. You remember the law they passed here, as to certain industries in the State of New York as being non-essential. Do you remember it? They also passed a law there declaring certain industries non-essential. Among those industries was clipping dividends, making profits, getting bank accounts, owning mines, owning banks, owning factories, robbing people, exploiting workers, and all that was declared non-essential in Russia. And anybody who was engaged in those pursuits was going to starve.

“They said to a man, ‘You either go to work or starve.’”

“In America the situation is reversed. The millions and millions who work are starved, and those who do not work, those few live on the luxuries of capital. Which do you prefer?”

“Here is presented the problem: shall the majority of people who work starve? Or shall the few who do not work starve if they refuse to work? The answer is very simple, and it is that the new state, the Socialist state, the Socialist conception of justice and right and ethics and morality, is that they who toil and labor and sweat and produce and make and create shall enjoy the product of their own labor.

“If you commemorate the birthday of the Russian Revolution, if you revere your Russian comrades, if you applaud Lenine and Trotzky, if you believe in the worthiness of their cause, in the accomplishment of their work, then it is your duty to enter the Socialist movement in America, to make it more like Russia is today.

“We must select between two alternatives: either Russia lives and conquers the world — not Russia conquers the world, but its ideals and philosophy worthy of the Russian Government to-day should conquer the world — either that or the ideas or the philosophy of Gary and Wilson and Palmer, Lloyd George and Clemenceau is to conquer the world. Between the two, for my part, and for the part of thousands of Socialists now battling in America to-day, we choose to stand by the ideas and philosophy and program and principles of Lenine and Trotzky as those we approve.”

Q. I shall now ask you, Mr. Waldman, first, whether this is a correct report of that portion of your speech which is alleged to be reported? A. Substantially so.

Q. And I shall direct your attention to this particular expression: "If you believe in the worthiness of their cause," — and you refer to Lenine and Trotsky and the Russian comrades in the accomplishment of their work, — "then it is your duty to enter the Socialist movement in America, to make it more like Russia is today," and I will ask you in what sense you meant this phrase: "to make it more like Russia is today"? A. I meant it in connection with what I said preceding that phrase, namely, that those who work shall receive the full product of their toil. Those who do not work shall be compelled to go to work to earn their living. I there can see that a situation in Russia exists where those who do not work by reason of ownership of mines and mills and factories and banks, they are put to work and if they are not willing to go to work, they starve. I allege that here we have a reverse economic condition; that millions who work as a rule starve, and those who do not work live upon the luxuries. I say in that respect I prefer the condition that exists in Russia today.

By Mr. Hillquit:

Q. In other words, a condition such as corresponds with the general socialist idea or ideal of a working, producing, non-parasitic community; is that it? A. That is it.

Q. Did you mean to imply by this phrase: "To make it more like Russia is today", that you favored the establishment of a Soviet government in the United States, patterned upon the model of the Russian form of government? A. I did not; I stated in that same speech —

Mr. Conboy. — Just tell where you stated it in the same speech, so that we may have the language you employed in stating it.

The Witness. — "I have absolutely no knowledge just how Russia is today excepting general principles;" and in support of my general idea on that subject I will refer to the same speech, in which I say, "Russia established a revolution."

Mr. Conboy. — What page is that?

The Witness. — Page 311; I will say it in another way: "Russia is revolutionizing today and we are celebrating the birth of a new State, something entirely new, something that history has not seen yet". I do not believe that Russia is at present in a condition stable enough for any person to say that I want a similar

condition in my country. Russia today is in the process of revolutionizing, in the process of change; and when I said I am willing to have the conditions here such as exist in Russia, I have specific reference to the preceding paragraph, namely those who do not work shall be put to work or starve.

Q. Mr. Waldman, you took a very active part, did you not, in the discussions between the so-called Right Wing and Left Wing in the Socialist party? A. Yes, rather an active part.

Q. On which side? A. On the so-called Right Wing.

Q. And was this question, the question as to whether or not a Soviet Government should be advocated for the United States, one of the debated questions between these two wings? A. One of the important issues of the split.

Q. And did you make a number of public speeches on that subject? A. I have.

Q. Did you write articles on that subject? A. I have.

Q. And did you express your position definitely with reference to the desirability or advisability of introducing a Soviet government in the United States? A. The contrary is the fact.

Q. And that is? A. I have not, and I do not believe the Soviet form of government as it exists in Russia today, is applicable to the conditions of the United States today.

Q. Well, you did not get my question. I asked you whether you had discussed that subject? A. I beg your pardon, I did.

Q. And the position you took was as you have stated it now? A. Yes.

Q. And was that prior to the date of this speech, November 17, 1919? A. Yes, sir, that was.

Q. And have you changed your attitude? A. I have not.

Q. Or had you changed it on the 7th of November, 1919? A. I had not.

Q. You say further: "We must select between two alternatives, either Russia lives and conquers the world—not Russia conquers the world, but its ideals and philosophy worthy of the Russian government today should conquer the world." I will ask you whether the latter statement is a correction of the former statement? A. That is.

Q. And what you meant was, what you said in your second paraphrase, the corrected statement, which is a conflict of ideals? A. Exactly.

Q. And then you proceed to say further: "The ideas or the philosophy of Gary and Wilson and Palmer, Lloyd George and

Clemenceau, is to conquer the world"—or as you have said before, the ideals of the Russian government. I will ask you, why did you select these particular names, and at the time you made the statement what ideas did these names stand for in your mind?

A. At the time the speech was delivered, the steel strike was in full swing. Judge Gary then asserted his authority as arbitrary ruler in the steel industry.

Q. When you say Judge Gary, you mean Elbert H. Gary, the President of the Steel Corporation? A. Yes, sir.

Q. The United States Steel Corporation? A. Yes, who refused, not only to negotiate with his workers collectively, but even to arbitrate the grievances of his employes—employes numbering 500,000, making a total population involved, on the average basis of population, of about two and one-half million people. He individually set himself up as an industrial autocrat, in my judgment, refusing as such to come together with representatives of organized labor, to arbitrate their just grievances. At the same time—

Q. So, the idea represented by Mr. Gary, which you alluded to and which you had in mind, was that of industrial autocracy?

A. Yes. He was a typical case of industrial autocracy.

Q. Then when you referred to Wilson and Palmer, what did you have in view, and what ideas did they represent to you at that time? A. I used them in a similar sense, when their attitude in the coal situation was, to my mind, expressive more of autocracy than of democracy in the industry.

Q. What are you referring to specifically? A. I am referring to the note sent by the President to the coal miners in effect forbidding them to strike, and to the various statements made in public, which were threatening in nature, made by Attorney-General Palmer, to the coal workers, or to the workers in the coal mines. To my mind—

Q. One moment, Mr. Waldman. Had the injunction which the government secured against the miners prohibiting them from striking been issued at that time? A. I believe it was pending; an application was made for the injunction.

Q. The application had been made? A. Yes, sir.

Q. And when then you spoke of Wilson and Palmer, what idea did they represent to you? A. The idea of industrial arbitrary rule, or arbitrary rule of industry.

Q. And when you referred to Lloyd George and Clemenceau, what ideas did you have in view? A. Why, I had in view largely their reactionary attitude in international affairs.

Q. Including the blockade of Russia? A. Yes.

Q. And when you said that between the ideas represented by these men, as you have just described them, and the ideas represented by the Russian Government, you preferred the latter if you had to select, what did you mean? A. If I had to choose, — I did not adopt either one unreservedly, but if I had to choose between these two philosophies of life and conduct in practical affairs, I prefer the one prevailing in Russia as regards industry.

By Assemblyman Harrington:

Q. Then why are you here, Mr. Waldman? A. Why, I am here and I hope to be able to contribute my share that we may have industrial democracy in America.

By Mr. Hillquit:

Q. You stand for industrial democracy as against industrial autocracy? A. That is my position.

Q. And when any powers of government or private individuals in this country rise to throttle what you consider industrial democracy and to establish a system of industrial autocracy, do they, in your opinion, represent the true spirit of American institutions? A. They do not.

Q. And in your own opinion is your attitude that of favoring industrial democracy more fully in accord with the spirit of American institutions? A. That is my supreme conviction.

Q. Mr. Waldman, how many speeches — I mean public addresses — have you approximately made say within the last three years? A. Too numerous to even state. I should say about three hundred.

Q. And one hundred a year, or two a week, would not be too high an average? A. No.

Q. And at the most of the meetings which you so addressed were stenographers of the Department of Justice, or the Lusk Committee, or similar agencies present? A. They were.

Q. At most of them? A. At most of them.

Q. And your speeches were mostly taken down stenographically? A. They were.

Q. And you say there were about 300 in number? A. There were.

Q. Do you know whether any other speech of yours was introduced in this proceeding? A. No sir, and I requested, when a representative of the Department of Justice and of the Lusk Committee had been present at a lecture which I delivered before the professional league at Harlem, on the question of Bolshevism in America — I told them to be good enough to prepare the speech and send it to the Lusk Committee. It has not been produced.

Q. I will ask you, Mr. Waldman, whether this speech that was one of the 300 produced here, produced against you, is one of the most emphatic ones you made? A. Otherwise it would not have been produced here.

Q. Your answer is yes? A. Yes.

Q. There also was testimony here of a certain Mr. Bunzl, page 732 of the record, Mr. Chairman. Mr. Bunzl testified that he asked you — I think in private conversation; I am not sure — whether you opposed the draft or whether you advised anybody to oppose the draft, and that you answered that you refused to answer that question because you were afraid of being arrested? A. I never saw Mr. Bunzl. I never met him. He never asked me such a question and I never gave him such an answer.

Q. You saw Mr. Bunzl here on the stand in this proceeding? A. For the first time.

Q. If you had seen him before, if you had spoken to him before, would you have recognized him? A. I would have.

Q. And you say positively and definitely that you had never seen him before he appeared in this proceeding? A. I never did see him.

Q. I will ask you did anybody else whom you saw and did not know ask you at any public meeting, or in any private conversation, whether you opposed the draft or whether you advised anybody to oppose the draft? A. No one ever asked me that question.

Q. And did you ever make an answer substantially as quoted by Mr. Bunzl, namely, that you would refuse to answer the question because you were afraid of being arrested? A. I never made such an answer because no such question was asked me.

Q. No such question was asked you and no such answer was made? A. No sir.

Q. Did you at any time in the course of your public speeches advise any person to oppose the draft? A. On the contrary, I can answer no unqualifiedly.

Q. You did not? A. No.

Q. You did not do so in the course of any private conversation with any individual? A. I did not.

Q. Did you make any statement, public or private, with reference to the duty of men of the prescribed age to register for the draft? A. Yes.

Q. What statement did you make? A. I delivered several public speeches in the open air and indoors, before the registration, urging the people in my district to register.

Q. Were you of draft age yourself at the time? A. I was.

Q. And did you register? I did.

Q. Referring to the brief of counsel for the Committee they allege that Lieutenant Ahlers made certain statements against you; the record does not bear it out, and I presume it was a mistake. It should be the same Mr. Bunzl and not Mr. Ahlers, on page 745 of the record, referred to at page 74 of the brief; the statement is as follows: "The statement that Mr. Waldman made was this, a statement in regard to internationalism, that the laboring classes owed no duty to the country in which they were, that the only duty which they owed was the duty which they owed to the class itself; that the laboring class was a citizen of the country that it hangs its hat up in and owes no allegiance to it, and owed allegiance alone to the working classes and that these classes should unite, the working classes of Europe and the working classes of the United States should unite and show their power." I will ask you whether you made such statement? A. I have not.

The Chairman.—Now, there is a correction which might be made. Probably it might have been misunderstood on account of my ruling on page 733 of the record. On an objection by Mr. Roe to a conversation, testified to by this witness Bunzl, he says, "I cannot state absolutely what he said, but this is the substance of what he said: He stated that the laboring men owed no duty to any country; that the laboring man only owed a duty to a class; and he went on further and stated this was a capitalistic war and all the trimmings that go with that."

I ruled, "You may strike that out," and what I intended to strike out was, "And all the trimmings that go with that," and that leaves the answer standing without that. I presume you want to ask Mr. Waldman about that.

Mr. Hillquit.—By all means, Mr. Chairman, if that was the ruling.

The Chairman.— That was the intention. I think you were misled by the ruling.

By Mr. Hillquit:

Q. When I refer to the one just read by the Chairman and which appears on page 733 of the record and the one I have read before and which appears on page 745 of the record, both attributed to you by Mr. Bunzl, and I will ask you whether you made either of the two statements? A. I did not.

By Assemblyman Harrington:

Q. Now, Mr. Waldman, you said 'by indoor and outdoor speeches you advised your constituents to register and that you registered yourself. Do you want this Committee to understand that you tried to get into the Army of the United States yourself? A. That was not my answer and I do not want the Committee to understand it so.

Mr. Hillquit.— He said he complied with the law.

Assemblyman Harrington.— Please read the question and his answer.

(The question and answer were repeated by the reporter.)

Q. Do you want us to understand that you didn't try to get into the army yourself? A. I don't want you to understand that either.

Q. What do you want us to understand? A. I answered a question of Mr. Hillquit that I advised the people of my district to register, and when a question was put asking if I registered I said yes. That is as far as I go.

Q. So your position is about the same as when Bunzl asked you a certain question and the record states that you refused to answer for fear you would be arrested? A. Oh, no; I think that was an unmitigated lie. I never heard that question put to me and I never undertook to answer that question.

By Mr. Hillquit:

Q. Now, Mr. Waldman, with reference to your position with respect to the draft I suppose what the member of the Committee who just questioned you wanted to bring out is whether you were eager for a chance to fight in the war; were you? A. I was not.

Q. Did you make any effort to get into the army? A. No.

Q. Were you opposed to the war? A. I was.

Q. You recognized the law directed you to register and you registered? A. I did.

Q. Were you ready to comply with the law? A. I was.

Q. Did you give the same advice to others in your position? A. I did.

By Assemblyman Harrington:

Q. You say you were not eager to get in and made no application to get in the Army? A. That is right.

By Mr. Hillquit:

Q. You did not enlist voluntarily? A. I did not.

By Mr. Harrington:

Q. The question, Mr. Hillquit was: Did you make any attempt to get in. You said No? A. Yes.

Q. Did you make any attempt to get out? A. I did not.

By Mr. Hillquit:

Q. You fully complied with the law, Mr. Waldman? A. I did.

Q. Whether you approved of it or not? A. Yes, sir.

Q. Now, I will ask you: Did you in the course of your speeches say anything about the workingmen owing no duty to any country or the working class of America owing no duty to the United States? A. I never made such a statement.

Q. Is it your conception that the workers of America have no duty to their country? A. It is not.

Q. Did you make any statement with reference to the character of this war, saying that it was a capitalist war? A. I have not.

Q. Or did you speak about the causes of the war at any time? A. I may have.

Q. And if you did what was your sentiment on the subject, your conviction on the subject, and what did you state? A. My conviction was that all wars, including the one just closed, are the result of economic forces operating under the capitalist system.

Q. Commercial rivalry? A. Commercial rivalry, secret diplomacy —

The Chairman.—They have wars in the Fiji Islands, don't they?

The Witness.— I didn't get that.

The Chairman.— They have wars in the Fiji Islands, don't they?

The Witness.— I am speaking of modern wars.

(Discussion off the record.)

By Mr. Hillquit:

Q. At any rate, that was your view and that view you stated whenever occasion arose? A. When I did speak on the question I did state it.

Q. Did you ever say anything about the duty which the working class of one country owed to the working class of another country? A. I said no such thing. I never made a statement in relation to that question at all. I don't consider the workers of one country having any duties to the workers of any other country.

Q. Did you speak of the ties of solidarity which united the workers of the different countries? A. In the general speeches, or speaking of economic interests, that may have been the case.

Q. What is your view on that subject? A. My view is that the workers in all countries have like economic interests.

Q. Did you ever say that the laboring class was a citizen of the country that it hangs its hat up in? A. Well, that is not my language and I never said it.

Q. Or anything to that effect? A. Never did.

Q. Or that it owed allegiance to the working classes of Europe? A. I have not said anything like that.

Q. Did you say anything to the effect that the working classes of the United States should unite with the working classes of other countries? A. I have not said anything in that language, if I spoke on the question at all.

Q. And if you mentioned the question of international bonds or ties between the workers of different countries, what did you say? A. I said that peace can only come by the international solidarity of nations and peoples.

Q. Meaning by that what, Mr. Waldman? A. Meaning by it the arrangement of an international organism, government, whatever you want to call it, or a bureau or department in which all countries would be represented by elected representatives and that would conduct all questions concerning international affairs.

Assemblyman Evans. — A true League of Nations?

The Witness. — A true League of Nations.

Q. Composed of the working classes of the various nations principally? A. The working classes and of the peoples of the various nations.

Q. There was also testimony, I believe, by the same Mr. Bunzl to the effect that at one of your meetings, page 732, certain circulars were distributed or thrown from one of the roofs of the adjoining buildings. The impression given was that such circulars were distributed by the Socialist Party as part of its propaganda at that meeting. Do you know anything about the circulars? A. I do not.

Q. Did you see the circulars at the time? A. I have not, excepting the next day in the press.

Q. And do you know by whom such circulars were so distributed? A. I understand five people were apprehended, indicted, convicted and sentenced to jail.

Q. Who were those five men? A. Five anarchists.

Q. Were they in any way connected with the Socialist Party? A. In no way whatsoever.

Q. Or with your meeting? A. Not at all. On the contrary they were our opponents.

Q. And the distribution of the circulars, was that an act of friendliness to you or of hostility? A. It certainly was not an act of friendliness.

Q. Now, Mr. Waldman, prior to your election in 1918, or at any time thereafter, did you sign and file with any official or committee of the Socialist party an advance resignation from office? A. I have not.

Q. Were you ever asked to sign such a resignation? A. I was not.

Q. By any representative of the Socialist Party, National, state or local? A. No, sir.

Q. Do you know whether the other Socialist members of the Assembly had signed such resignations or were asked to? A. They have not.

Q. Prior to your second election in 1920 or at any time after such election were you asked to sign such resignation? A. No, sir.

Q. And did you sign any such resignation? A. I have not.

Q. You were also a candidate for public office on the Socialist Party ticket at other times? A. In 1919.

Q. On that occasion were you asked or did you sign an advance resignation from office? A. I did not.

Q. When were you elected to the present Assembly? A. I was elected this last election in November.

Q. 1919? A. 1919.

Q. By what vote were you elected? A. I think it was a little over 5,000; I haven't the figures here.

Q. By what plurality? A. A plurality of about 120, absolute majority, my opponent being the fusion candidate of the Democrats and Republicans.

Q. And was your election ever contested? A. It was not.

Q. Did you receive a certificate of election? A. I have.

Q. Did you take the constitutional oath of office? A. I did.

Q. As a member of the Assembly? A. I did.

Q. When? A. Just about five minutes prior to the convening of the session on Wednesday, January 7th.

Q. 1920? A. 1920.

Q. Did you read the oath at that time? A. I did.

Q. And fully understood it? A. Yes.

Q. And you took it without any mental reservation of any kind? A. None whatsoever.

Q. Did you know at the time, or do you know now, of any reason why you cannot fully and faithfully comply with such oath? A. I do not know of any such reason.

Q. Did you attend a session of the New York Assembly after taking such oath? A. I have.

Q. When did such session convene? A. It convened a little after 12 o'clock on January 7th, 1920.

Q. And was any business transacted by such session on that day? A. Yes, sir.

Q. What business? A. The Speaker was elected.

Q. And in the election of speaker, did you vote? A. We did.

Q. And all the other Socialist members of the Assembly? A. We did.

Q. And your vote was counted? A. And our vote was counted.

Q. For whom did you vote? A. We voted for our nominee, August Claessens.

Q. All five? A. All five.

Q. And was the vote so recorded? A. It was so recorded.

Q. What other business was transacted there? A. We elected the sergeant at arms, the various clerks —

Q. Did the Socialist members of the Assembly vote on such election? A. They did.

Q. And then? A. And then we put through a couple of resolutions.

Q. Which resolutions? A. I could not exactly state now but they were —

Q. Formal resolutions? A. Formal resolutions.

Q. Did the Socialist members of the Assembly vote on those? A. On one occasion I withheld a unanimous consent until the resolution was explained, and then I withdrew my objection after it was explained and it was voted upon.

Q. And recognized you as a member of the Assembly? A. It has.

Q. Then what happened? A. Then the message of the Governor was read.

Q. And was any action taken on it? A. It was discussed; no action was taken on the message, except in a casual speech made by the Minority Leader, this time Mr. Donohue of the Democratic minority, made a speech.

Q. Was any other business transacted? A. The formal acknowledgment from the Senate that it has convened, and our delegation to the Senate that we have convened, and our delegation sent to the Governor saying that we had convened.

Q. When you say our delegation, you mean the delegation of the Assembly? A. The delegation of the Assembly.

Q. And then? A. And then the Speaker appeared again on the rostrum and ordered the sergeant-at-arms to call the five Socialist members to the well of the House.

Q. And then you appeared? A. And then we appeared, and the speaker addressed us.

Q. And made his speech of condemnation? A. He did.

Q. Then the resolution? A. Then he promised a resolution was to follow.

Q. And it did? A. And upon my question as to whether we were going to be put out without debate, without a hearing, without argument, without investigation, he said that "if this resolution which is about to follow is carried, you are going to be put out, and it is the right of this house to do so if it wants to."

Q. Was the resolution then read? A. The resolution was then read.

Q. And adopted? A. And adopted.

Q. And it is in pursuance of that resolution that we are all meeting here? A. That is why we are here to-day.

Q. Did you have any knowledge or information about such resolution being offered prior to its actually having been offered? A. I had not.

Q. Or were you, or any other Socialist member of the Assembly, served with any charges prior to it? A. We had not.

Q. Was there any objection taken to you taking the Constitutional oath of office, as far as you know? A. None whatsoever.

Mr. Hillquit.— May it please the Chair, I would like to ask for the indulgence of the committee to suspend cross-examination of Mr. Waldman long enough to give us an opportunity to examine two members of the police force of New York city who are here and very anxious to return.

The Chairman.— How about that, Mr. Conboy?

Mr. Conboy.— We have no objection whatever.

The Chairman— Proceed.

Mr. Hillquit.— We would like to call Mr. Solomon first, just on the question of the date.

CHARLES SOLOMON, called as a witness and being duly sworn, testified as follows:

Direct examination by Mr. Hillquit:

Q. Mr. Solomon, you are one of the assemblymen under charges in this proceeding are you not? A. Yes, sir.

Q. We are not going into your testimony now, Mr. Solomon, but I want to call your attention to one piece of testimony before this committee, that of Miss Ellen Chivers, and that portion of it in which she stated that she was present at a certain public meeting at which you spoke and at which recruiting was attempted by recruiting officers, and I will ask you whether during your speeches in 1917, in the Borough of Brooklyn, in the City of New York, there was more than one occasion on which recruiting was attempted or carried out in connection with any of your meetings? A. No more than one occasion.

By Mr. Hillquit:

Q. There was one such occasion? A. One such occasion in all my meetings in that year.

Q. And when and where did that meeting take place? A. That meeting took place on the corner of 9th Street and Sixth Avenue, in the Borough of Brooklyn, sometime in the month of September — I believe the second half of the month.

Q. Of what year? A. 1917.

Q. Are you positive that such meeting did not take place in the month of April, 1917? A. Absolutely certain.

Q. Are you positive that at no time other than the one you mentioned was any recruiting of any kind undertaken in connection with your meeting? A. I am certain of that.

Q. Or within your view or sight? A. Or within my view or sight, on that corner or any other corner; and I spoke all during that year.

Q. And the only time when such recruiting did take place in conjunction with your meeting was in the month of September, 1917, and at what corner? A. 9th Street and Sixth Avenue, Brooklyn.

Mr. Hillquit.— That is all.

Cross-examination by Mr. Conboy:

Q. Just a minute. Did you have a platform out there at that time? A. I did.

Q. Did you speak from that platform? A. I did.

Q. Was there a detachment of soldiers who came there? A. A detachment of soldiers came there.

Mr. Block.— We are going into that later in Mr. Solomon's testimony.

Mr. Conboy.— I just wanted to fix the features.

Mr. Hillquit.— I suppose you understand the object of this, Mr. Conboy, to enable the other witnesses to testify.

Mr. Conboy.— Yes.

The Witness.— A detachment of soldiers came there while I was standing upon the platform. They came in a bus, that I might describe as a Fifth avenue bus, with which you are familiar, which travel up and down Fifth avenue, New York city. These

soldiers were in the bus, as I have just stated. They stationed themselves diagonally from my meeting, as I recall it, approximately 50 or 60 feet. Shortly after their arrival, a gentleman whom I presume was the officer in command of the detachment stationed himself upon the steps of the bus and began making a recruiting speech. No sooner had the bus arrived than I discontinued my meeting, and shortly after I discontinued my meeting — perhaps a minute or so after — I descended from the platform and remained upon the street until the man in the bus was through making his recruiting speech, until the bus had left the scene. Then I made a brief effort to resume my meeting, which was subsequently discontinued.

Q. It was subsequently discontinued? A. Yes, shortly thereafter.

Q. You mean your meeting was over? A. Yes, I stopped it. It was one of a series.

By Mr. Block:

Q. You resumed your meeting after the recruiting speech was finished? A. Yes, I said so.

By Mr. Conboy:

Q. The speech thereafter was discontinued, or concluded? A. Yes, I announced that it was over.

Q. How long were the soldiers there? A. I should say approximately twenty minutes to half an hour.

Q. Did they have any music with them? A. There was no music in the bus.

Q. Was there music there at all? A. I recall music on the occasion of one meeting. I was subsequently informed that that music was being played on instruments in the possession of persons on a street car. I did not see the street car. I do not recall whether that music was played on that night or on another Monday night; but I have a thoroughly distinct recollection of music having been played during my meeting on a Monday night on that corner.

Q. That is, you have a recollection, as you put it, fairly distinct, that upon one occasion when you were conducting a meeting on a street corner — the same street corner? A. The same street corner.

Q. 9th Street and Sixth Avenue, in the Borough of Brooklyn, is that right? A. Yes.

Q. A trolley car, or street-car, passed near the point where your meeting was being held, and that there was a band of music in the car? A. I said that I did not see the band of music in the car. I was further informed that the music was being played in the car.

Q. Now, on which street does that car line run? A. I think it is Sixth Avenue.

Q. And on which street was your platform? A. I think it was on 9th Street. There is a library on the corner, and our platform was stationed outside of the library.

Q. Which way did you face in speaking from your platform? A. The trolley tracks.

Q. Towards the trolley tracks? A. Yes.

Q. So that the trolley-car, containing the band of music, had to pass in front of your line of vision? A. Well; that may seem contradictory to you; but you understand—

Q. No, it does not seem contradictory to me. All I want to know is if the trolley-car, in view of the fact that you were near the tracks, had to pass your line of vision? A. Yes, but our station was 150 or 200 feet away from the corner, almost in the middle of the block; and between the platform and the corner I usually had an audience of close to two thousand persons.

Q. You were lifted above the audience? A. Yes.

Q. So you could see over their heads in the direction of the car tracks? A. I could if I had tried, but I was attentive to the meeting.

Q. Now, a band of music was in this car? A. So I was informed.

Q. Who informed you? A. Various persons, various Socialists and others.

Q. What was the occasion for them informing you that a band of music was in this car while you were holding the meeting? A. It was a usual thing for us to discuss the meeting after the meeting was held, to go for a walk or go to the home of a friend; it was quite a usual thing that we would discuss the interruption of the meeting by the band.

Q. Was it an interruption by the band? A. I did not attempt to talk while the band was playing.

Q. If you stopped while the band was playing, you must remember that the band was playing? A. Yes, I have a distinct recollection of it playing.

Q. You have a personal recollection of the band playing music? A. Yes.

Q. And you stopped your speech because of the fact that the band was playing? A. Yes.

Q. Now, that band — was it a military band? A. I do not know.

Q. Was it playing martial or patriotic airs? A. I do not recall what airs they played.

Q. Well, how many airs did they play? A. I don't know. I don't recall everything.

Q. Were there a number of them? A. I should say there were perhaps a minute or two.

Q. Well, long enough to stop your meeting? A. Yes.

Q. And to play one or more airs that could be heard by the people in attendance at your meeting, as well as yourself? A. I do not know how many airs they could play in a minute or two. I should judge that some airs would require more than a minute or two to play.

Q. Certainly they would, but they did play some airs, or one air? A. Well, they played. I don't know how many airs they played or how much of a part of any one particular air they played; but I tell you they played.

Q. They stopped the car at the street corner? A. They stopped the car off the street corner, so I could not see the car around the corner.

Q. At 9th Street and Sixth Avenue? A. Yes, in Sixth Avenue.

Q. And played loud enough, or at least could be heard sufficiently loud, to suspend the holding of the meeting? A. Oh, yes.

Q. Now, was that at or about the same time that the other meeting was held, to which you have referred, when the bus with soldiers and an officer in command of the detachment mounted, or ascended, the steps of the bus and made a recruiting speech? A. I said before that I could not recall whether that music was played on that occasion or upon another occasion.

Q. Now then, so far as your personal recollection is concerned, you cannot tell whether both incidents did not occur upon the same evening? A. No, I would not undertake to say that they did.

Q. Well, you would not undertake to say that they did not? A. No.

Mr. Conboy.— I think that is all I have to inquire about now.

Re-direct examination by Mr. Hillquit:

Q. Whether or not the recruiting and the music occurred on this evening, are you absolutely positive that the recruiting incident took place only once? A. I am absolutely certain of that.

Q. And that was in September? A. Yes.

Q. I show you this diagram and ask you whether that refreshes your recollection? A. (Examining diagram). Yes, that refreshes my recollection.

Q. I will ask you whether you still maintain that the car tracks were running, or are running, on Sixth Avenue? A. Oh, I may have got the streets wrong.

Q. What will you say now, after you refresh your recollection from this diagram? A. (Examining diagram). I do not know whether this diagram — I am trying to locate myself outside of the library.

By Mr. Block:

Q. Where is the library? A. On the corner.

By Mr. Hillquit:

Q. On the corner of what? A. 9th Street and Sixth Avenue. If you will let me give you an illustration of it here, I can.

Q. The library is on Sixth Avenue? A. 9th and Sixth.

Q. It is not exactly on the corner? A. It occupies the frontage on the corner, but the library is off the corner.

Q. Of 9th and Sixth? A. Yes.

Q. Then the car tracks are on Ninth Street? A. Yes.

Q. And you want your testimony corrected as to that? A. Yes.

By Mr. Conboy:

Q. Now, one of the members of the committee tells me that your later testimony is correct, that the car tracks are not on Sixth Avenue; that they are on 9th Street. A. There was no intentional misstatement.

Q. I have not charged it. You want to have it accurate and Mr. Hillquit wanted to have it accurate, and one of the members of the Assembly wanted to have it accurate, and so did I. A. I will abide by that.

Q. What is your testimony now, that the car tracks are on 9th street? A. Yes.

Q. Are you still sure your platform was on 9th street? A. It was on Sixth Avenue.

Q. So your platform is changed around now to Sixth Avenue? A. Yes.

Q. And I take it that with the change in the position of your platform and the change in the car lines, the relative relation of the physical things there remains the same? A. Yes. May I add a word to that?

Mr. Hillquit.— I think the answer is sufficient.

Witness.— I simply want to add that my platform was outside of the entrance to the library.

By Mr. Conboy:

Q. Have you fixed that on your diagram? I do not want to spend a great deal of time on it, Mr. Chairman; but in the interest of accuracy, I think I should. This diagram that somebody has prepared shows the library on Sixth Avenue? A. Yes.

Q. And the street car lines on 9th street? A. Yes.

Q. And you say that your platform was just opposite the entrance to the library? A. Yes.

Q. On Sixth Avenue? A. Yes.

Q. Now, do you know the points of the compass there? A. No, I never did any of that work.

Q. Ninth street runs north and south? A. East and west. (Diagram referred to marked Assemblymen's Exhibit No. 8 for identification.)

Mr. Hillquit.— That is all for the present, Mr. Solomon.

CHARLES A. ZANES, called and sworn as a witness, testified as follows:

Direct examination by Mr. Block:

Q. Are you connected with the Police Department of the City of New York? A. I am.

Q. In what capacity? A. Captain of Police in the Oak Street Station, known as the Fifth Precinct.

Q. The Oak Street station, known as the Fifth Precinct, that is in the Borough of Manhattan? A. Yes, sir.

Q. Will you please talk more loudly so the entire Committee can hear you? Captain Zanes, how long have you been a member

of the police force of the city of New York? A. Twenty-four years the 31st of October this year.

Q. Twenty-four years? A. Yes, sir.

Q. In the year 1917, were you a captain? A. No, sir, First Lieutenant.

Q. And as First Lieutenant with what station or precinct were you connected? A. The 144th precinct in Brooklyn, now known as the 78th precinct.

Q. On what street was the police station of that district? A. 16th street and 5th avenue.

Q. Do you know the corner or junction of 6th avenue and 9th street in Brooklyn? A. I do.

Q. Was that within the 144th precinct at that time? A. Yes, sir.

Q. And that was the precinct with which you were then connected as lieutenant? A. Yes, sir.

Q. Subsequent to your lieutenantcy were you promoted? A. Well, I was promoted to lieutenant on December 5, 1905.

Q. And you remained a lieutenant from that time until when? A. Until April 26th, 1919.

Q. And at that time you were promoted to what rank? A. Captain.

Q. Which is the rank you are now filling? A. Yes, sir.

Q. Do you know Assemblyman Charles Solomon? A. I know him by sight.

Q. Have you seen him a number of times? A. At meetings, yes, sir.

Q. Do you recall street meetings being held at 6th avenue and 9th street in the Borough of Brooklyn, during the summer and fall of 1917? A. I do.

Q. Did you have occasion to attend any of these meetings? A. I did.

Q. In your capacity as lieutenant of that precinct? A. Yes.

Q. Were you assigned to duty there? A. I was.

Q. By whom? A. By Captain Barnes of that precinct.

Q. And do you recall when the first of those meetings was that you attended? A. The first of the meetings that I attended was July 30th.

Q. 1917? A. 1917.

Q. Do you recall the day of the week? A. Monday.

Q. Were all of his meetings usually held on Monday evenings? A. That is my best recollection.

Q. Did he speak at each one of the meetings you attended? A. I have no independent recollection of that.

Q. Did he speak at most of them? A. Most of them.

Q. Did you attend them quite regularly beginning the latter part of June, 1917 until Election day? A. Most of them.

Q. Did you attend any during the month of September? A. I did.

Q. Do you recall the meeting held at that corner at which Mr. Solomon spoke, at which a stage or bus containing soldiers drove up? A. I do.

Q. Will you state the circumstances connected with that incident? A. About 9:55 P. M. on September 24th a Fifth Avenue stage coach or bus, as we call it, presumably belonging to the Fifth Avenue Company, drove up on the southeast corner of Ninth Street and Fifth Avenue, in charge of First Lieutenant Landscombe, of the 23rd Regiment Armory, and he got down on the steps where the people enter the bus. He had a band of field music inside.

Q. What do you mean by field music? A. Fife and drum corps and bugles. I don't remember the pieces or how many there were. He started to speak, urging the persons, the young men to join the 23rd Regiment at that time.

Q. The steps of the bus, were they in the front or the rear of the bus? A. In the rear of the bus.

Q. And led from the second story down to the street? A. Down to the street and also the body of the car.

Q. Just prior to that was Mr. Soloman's meeting in progress? A. Yes, he was talking on suffragettes.

Q. On woman suffrage? A. Suffragettes, my report shows. I have no independent recollection of the meeting except as I refer to my report which I make to the Captain.

Q. The general subject was suffragettes? A. Suffragettes.

Q. How long had that meeting been in progress before the bus drove up? A. I should say about, my best recollection is the meeting started about 9:10.

Q. Were you there at the beginning of Mr. Solomon's meeting? A. I was, and the bus drove up about 9:55.

Q. Were there any other police officers there? A. One Sergeant and four or five patrolmen were with me.

Q. This meeting took place in front of the Public Library? A. In front of the Public Library probably about three feet from the curb line.

Q. And at that time and before the bus drove up, how many persons were listening to Mr. Solomon? A. Between 175 and 200 people, that is, only approximately. I don't just know.

Q. Was he standing on a platform? A. He was standing on a platform.

Q. Will you describe briefly the general nature of that platform? A. Well, the platform body, top, was I should say a little larger than the desk the stenographer is using.

Q. About how high above the street? A. I should say about four and a half feet.

Q. It stood in the street or gutter? A. In the street about three feet from the curb line, probably two and a half feet.

Q. Anybody else standing on the platform than Mr. Solomon? A. No.

Q. Did you notice any flags on that platform? A. Two American flags on each end of the rail. There was a light rail each side about that high (indicating), above the platform, and a flag was at either end.

Q. Was there any red flag on the platform? A. There was not.

Q. Was there any red flag on any of Mr. Solomon's platforms during the meetings in that season? A. None that I ever attended. I gave my men instructions not to permit it.

Q. You gave your men instructions not to permit the use of the red flag? A. Yes.

Q. And you yourself wouldn't permit it? A. No.

Q. Now, was there any report ever made by any officer or anybody else to you or to your station that any red flag had been used at those meetings? A. No, sir.

Q. Or attempted to be used? No, sir.

Q. Now, when the bus drove up with the soldiers did any soldier approach Mr. Solomon at the platform? A. Not that I saw.

Q. What did you actually see happen with respect to the soldiers and bus? A. They drove up to the southeast corner and the lieutenant came down on the steps and the band was playing as it approached, and played probably a few minutes after the bus stopped.

Q. Did Mr. Solomon continue speaking or stop speaking? A. Stopped speaking.

Q. Did he stop speaking during the entire session of the recruiting meeting? A. He did.

Q. Did any of the persons who had been listening to Mr. Solomon listen to the recruiting speech? A. The entire crowd turned and moved toward the bus.

Q. What did they do then? A. Went back to the Solomon meeting, most of them. Of course I couldn't tell you.

Q. Some of them went over? A. Yes, and others gathered there.

Q. Did he continue his speech? A. He continued his speech until about 10:35.

Q. What happened then? A. The meeting closed and they folded up their stand and off they went.

Q. Was there any disorder had of any kind at Mr. Solomon's meeting? A. None whatever.

Q. Was there ever any disorder had at any of Mr. Solomon's meetings? A. No, sir.

Q. Did you ever have any occasion to reprimand Mr. Solomon or his speakers on his platform? A. No, sir. There was an arrest made in connection with the recruiting meeting that had nothing whatever to do with Mr. Solomon's meeting.

Q. That was a young boy who was arrested? A. At the corner of Ninth Street and Sixth Avenue a boy 16 years old was arrested who had some trouble with one of the Sergeants.

Q. That was not at Mr. Solomon's meeting while it was in progress? A. No.

Q. Did any soldier from that bus or anybody else approach Mr. Solomon while he was on the stand and say the following to him? — or request him to lend the soldiers his platform? A. Not to my knowledge.

Q. Did Mr. Solomon make this statement to anybody at that time: "Lend you my platform? Can you borrow my platform? Huh, the gutter is good enough for you." Did you hear anything like that? A. I heard nothing of that kind.

Q. Did you hear this: "If we had our way, there would not be anyone who would ask a Socialist if they might borrow their platform to call for volunteers. I would not let you wipe your dirty feet on it." A. I did not.

Q. You were there during the entire meeting? A. I was.

Q. Where were you standing with reference to Mr. Solomon's platform? A. Most of the time I was standing right at the end of the platform, a little to the front, but I made a circle around and sometimes over as far as the crossing. When the Fifth Avenue bus drove up and the crowd surged over towards the bus,

I went over to the steps and was waiting for the Lieutenant to get through speaking to get an opportunity to get his name and the detachments with which he was connected.

By Assemblyman Blodgett:

Q. Were you in uniform at the time? A. No, sir.

By Mr. Block:

Q. About how many officers were there?

Q. About how many other officers do you remember were there, Captain? A. May I refer to a memorandum?

Q. Yes, if it will refresh your recollection, you may? A. (Witness looks at paper). This memorandum is from transcripts that were sent to me by the precinct I was formerly attached to, because I had no independent recollection of the incident, or the date of it, except for the fact that the stage coach was there at the time. On September 24th a meeting was in charge of Captain Zane, Sergeant Murphy, Patrolman Fremd, Patrolman Higgins, Patrolman Sullivan, Patrolman Walker, Patrolman O'Neil, Patrolman Code.

Q. Did you make a report to your captain of that meeting? A. I did.

Q. Was that your custom and was it your order? A. I made a report to the commanding officer of the 16th Inspection District.

Q. You did that after each meeting you attended? A. I did that to the captain, as a rule, but being in charge of this meeting I made a report to the Inspector.

Q. Now, will you state what that report was at this meeting at which the bus appeared?

The Witness.—The following report was made by me on September 24th, 1917 (Reading):

“COMMANDING OFFICER, 16TH INSPECTION DISTRICT.

“Sir:—The following is information concerning meeting held at 6th avenue and 9th street:

“Socialist Party, N. E. Corner 6th avenue and 9th street.”

Of course, I am reading the form, gentlemen; it may not sound grammatical, but it is the form in which the report is made.

“No. 1. No disorder at meeting.

“No. 2. Opened at 9:10 P. M. and closed at 10:35 P. M.

“No. 3. Socialist Party.

"No. 4. Speaker: Charles Solomon, No. 40 Tapscott St.

"No. 5. Subject: Suffragettes.

"No. 6. The law was not violated.

"No. 7. No objectionable language used.

"Also: In connection with this meeting, First Lieutenant Lonscombe of the 23rd Regiment in charge of a stage bus with field music pulled up on the S. E. corner speaking from the rear steps of said bus at about 9:55 p. m., urging recruits to join the 23rd regiment.

"At about 10:00 p. m., while Lieutenant Lonscombe was speaking, Louis Tabaman, 16 years old, of No. 88 16th street, was arrested by Sergeant John J. Kingsley, of the 23rd Regiment, residence, 88 Berry Street, and turned over to Patrolman Richard Walker, shield 4115 of this precinct, charged with disorderly conduct in that he called him (the sergeant) and others nothing but a lot of cannibals."

Q. That was your complete report? A. That was signed, "Respectfully, Charles A. Zanes, First Lieutenant, 144th Precinct."

Q. This incident of this boy having been arrested, as you said before, that was the boy who attended the recruiting meeting. A. Yes, sir.

Q. About how many soldiers, Captain, were there in that bus at the time, in it or on it? A. I would not attempt to say that.

Q. Have you any approximate recollection? A. I have nothing in the report to show, except those two names. It strikes me—

Q. Would you say there was 15? A. Oh, no; I would say less than a half a dozen; I would not say any more than that.

Q. There were about a half a dozen? A. I have no independent recollection of that at all.

Q. There were several at any rate? A. Several soldiers, yes, sir.

Q. And they were in uniform? A. They were in uniform. I do not mean to include them in the field music. I do not recollect whether they were in uniform or not.

Q. Was that a Socialist district, Captain? A. Why, I never—

Q. By that I mean were the Socialist voters predominating in that district? A. I think there are very few Socialists in that

district? That is the Park Slope section of Brooklyn, and I guess you gentlemen know it pretty well.

Q. What would you state as the general state of patriotic feeling in that district at that time? A. Well, everybody was patriotic. The 14th Regiment is located there and all the neighbors' children belong to it. Everybody seemed to feel as though they wanted to join it. They had no trouble in getting recruits.

Q. Would you say, then, from your observation, there was a strong patriotic feeling in that district? A. I should say so, yes, sir.

Q. Now, you had occasion to listen to Mr. Solomon several times at these meetings? A. Yes, sir.

Q. Will you state what your impression was as to his temper of speech; was it temperate or intemperate? A. I thought it was temperate; it kept within the laws.

Q. At all times? A. At all times. One of our real points in being there was to see there was no seditious and no objectionable language used, and nothing that may tend to a breach of the peace.

Q. It was for that purpose to see there was no seditious language or other disorderly conduct, or any break of the law, that you and the other policemen were assigned to duty there? A. Yes.

Q. Did you at any time,— were you informed, or did you hear of any complaint during that entire summer or fall against Mr. Solomon to the effect that he had either insulted any soldiers, or made any vicious remarks to them, or that he had insulted the flag? A. I did not.

Q. You have come here, Captain, have you not, in response to a subpoena that was served upon you? A. Yes, sir.

Cross-examination by Mr. Sutherland:

Q. Captain you would not knowingly permit any disrespect to the flag in your presence, would you? A. No, sir.

Q. Solomon or anybody else? A. It did not make a difference to me who it was.

Q. We do not want to leave the impression that you would see or hear an insult offered to the American flag without taking means to arrest the person guilty of it? A. My record will bear that out.

Q. You did not see any such thing in your experience there with Solomon's meetings, did you? A. No, sir.

Q. Now, how far away from Solomon's platform was this recruiting speaking going on? A. If I knew how wide that street was —

Q. Give a guess? A. I should say about fifty feet.

Q. While Solomon was in the act of speaking this bus drove up containing soldiers and containing certain musicians? A. Yes, sir.

Q. And were the musicians playing when the bus drove up, or did they start in after the bus stopped? A. My best recollection is they were playing as the bus drew up.

Q. Did they make quite a noise? A. They did.

Q. And the crowd turned away from Solomon at the sound of the band and faced toward the bus? A. Yes, sir.

Q. And that stopped Solomon's meeting? A. Well, he stopped.

Q. Well, didn't the audience turn away from him while he was speaking? A. Yes, sir.

Q. Isn't that so, Captain? A. Yes, sir.

Q. So that he was left without an audience? A. Practically, yes, sir.

Q. And they gave their attention to this soldier and his recruiting speech? A. Yes, sir.

Q. How long did you say the recruiting speech lasted? A. Well, 15 or 20 minutes, I should say.

Q. Now, when the audience turned toward the recruiting speech and toward the band, you looked that way, didn't you? A. I walked over by the steps of the bus.

Q. Sure; and you watched the officer who was making this recruiting speech, and the crowd, while they were listening to him? A. Yes, sir.

Q. That was your business, wasn't it? A. That was my business; that is what I was there for.

Q. And did the band play after the speaking stopped? A. My best recollection is, after they got through recruiting several boys got up on the stage, and what they used most was "come on, boys, and let it be said that you went instead of it being said you were sent." That created enthusiasm among some of the younger boys, and they climbed up on the stage, and I think several did join, and they went about their business.

Q. Now, the recruiting officer got some recruits right there? A. Yes, sir.

Q. Out of that crowd? A. Yes, sir.

Q. And while that was going on somebody there called somebody "cannibals?" A. The sergeant claimed that some boy upon the corner said, "you are a lot of cannibals," and caused

the arrest of this boy to be made, and one of our men took the prisoner to the station house.

Q. Now, who was it that the lad called cannibals, the police or these military men that were running the recruiting? A. It says here "Patrolman Richard Walker of this precinct — and that he called him, the sergeant, and others nothing but a lot of cannibals", meaning the other soldiers.

Q. Did you hear the lad call that? A. No; the fact of the matter is, I knew nothing about the arrest until after I got back to the station house.

Q. Now, I take it, the act of calling for volunteers, and these boys getting up in the bus to go into the army, called forth this remark from the boy, that the recruiting officers were a lot of cannibals, isn't that your recollection of the matter? A. Yes, sir.

Mr. Block. — I object.

The Chairman.— Your objection is not well taken, I have allowed a lot of incompetent evidence here all afternoon. It is overruled.

The Witness. — That is what was said.

Q. That is the way the thing was? A. Yes, sir.

Q. Now, didn't that create quite a little excitement there? A. No, because I did not know anything about the arrest until I got to the station house.

Q. How far away from you was it where this boy made this remark and where the arrest took place? A. I suppose about 30 or 35 feet.

Q. And it was all crowded in there between you and the boy? A. Yes, I was on this side of the bus here (indicating), on the steps.

Q. When that thing took place do you know where Solomon was? A. He was standing over by the stand.

Q. Over by the stand? A. Yes, sir.

Q. How do you know he stood there? A. Because I stood there watching all the time, because my duty was to see that Solomon, too, was protected.

Q. I know, captain, but you did not keep you eye on Solomon all the time? A. I did, on all that outfit all together.

Q. Didn't you tell us that when this music started up, and the crowd all turned away from Solomon toward the music and the

recruiting officer began to speak that you, in accordance with your duty, watched the recruiting officer? A. I went right over; it took about three seconds to go to the foot of the steps, and stood by the curb. Solomon's stand was here (indicating). The bus was here (indicating), and I stood facing this way (indicating).

Q. You did not see this arrest? A. The arrest was on the other side, around the corner to the right.

Q. On what corner? A. Over on the other side of the bus.

Q. How far from Solomon was this boy when he was arrested? A. Well, about one hundred feet.

Q. You were between the boy and Solomon, weren't you? A. I don't know just the exact place the boy was arrested.

Q. You don't know where the boy made this remark, even? A. No, somewhere in the crowd, because the officer had had this boy turned over to him. He told the Sergeant that he said that to the Sergeant that was going through the crowd urging these boys to join the 23rd Regiment, and he claims this boy made this remark to him and he immediately arrested this boy himself and turned him over to officer Walker who took him to the station house.

Q. So the man making the recruiting speech came off the bus and arrested the boy? A. No, the report don't say that. The man making the recruiting speech was Lieutenant Lonscomb, and the man making the arrest was Sergeant John J. Kingsley. Sergeant Kingsley was working through the crowd trying to get recruits.

Q. And while he was doing that you understood this "cannibal" remark was made by this fellow? A. That is what the record shows.

Q. Where was the police officer when the military sergeant turned the boy over to the policeman? A. He was in the crowd somewhere, just exactly where I don't know.

Q. You didn't see that even? A. I didn't see that.

Q. So that there is quite a little that went on during this little mixup that you didn't personally see? A. There was no mixup, no disorder at all. You can appreciate a man saying that in a crowd that gathers, and he takes this man and hands him over to a police officer near him. The officer, if he is a good officer, isn't going to excite anybody at all; he is going to take that man out of the crowd quietly and down to the station house. We don't hold court on the street, but we try to make our arrests as quietly as possible and as orderly as possible.

Q. Captain, don't get the idea that I am inferentially even criticizing you in the slightest degree; I haven't any such thought. When I said there was a good deal that went on there that you didn't see, I am only supposing that you couldn't see any more than I could. A. When you say "a good deal," I don't think there was a good deal that went on there that I didn't see. There may be some things that took place that I didn't see, but I had in mind this, that I had a duty to perform there, and I am very much on the alert for that reason.

Q. Captain, were there more people in the crowd than there are in this room? A. No.

Q. You cannot keep track of the folks in this room all the time, can you? A. The crowd was closer together. I should judge there are six or eight hundred people in here.

Q. Were there a good many recruiting meetings held in that district along in 1917? A. Throughout the Precinct there was. That is the only one I was in.

Q. Pretty good neighborhood for recruiting? A. That I couldn't say.

Q. Patriotic neighborhood? A. It is.

Q. And from time to time recruiting meetings were held and appeals sent out to get men to go to the war? A. Yes, they seemed to travel in stage coaches and went pretty fast.

Q. They generally had music? A. Field music. Wherever they saw a crowd they stopped.

Q. Were there as many recruiting meetings held that summer as there were Socialist meetings? A. The Socialists held a meeting on that corner every Monday night. They made it a practice to do that. I did not, of course, attend every Socialist meeting. I was not transferred to the Precinct until June, 1919, I was doing desk duty until July 30th, I think.

Q. And after that you didn't attend every meeting? A. No, I had eight days' vacation in August. I can show you the meetings I attended.

Q. Never mind, Captain; you are close enough to it to satisfy us. A. I think I attended a meeting on the 30th of July, 7th of August. I think I again attended a meeting on the 27th of August, and I think on the 20th of August.

Q. Now, were there recruiting meetings going on there every few days? A. That's the only one I saw at that corner. They might have gone on throughout the Precinct. That is the only one I was assigned to attend.

Q. Is that the only recruiting meeting you saw that summer in your Precinct? A. That is the only recruiting meeting I had occasion to be at. I passed through Ninth Street and Fifth Avenue and Ninth Street and Fourth Avenue—

Q. Now, did I understand you, Captain,— I thought you said there were a good many recruiting meetings in your precinct that summer; didn't you say that? A. Yes.

Q. You don't want to change that? A. No, but I say I didn't attend them, none that I attended but this one.

By Mr. Conboy:

Q. You apparently had a great many officers there that night?

A. Yes, sir.

Q. About seven altogether? A. About that, six or seven.

Q. Was there any particular reason for having such a number? A. We had at all the meetings at that corner. You see, on Monday nights Mr. Solomon generally had a meeting, or, we will say, a Socialist had a meeting, sometimes other men. Tuesday nights Russell Dunn had a meeting. Wednesday nights Mr. Walsh and Mr. Urban had a meeting. They seemed to delight in talking about matters that would annoy the other fellow, and we were on the job to see there was no disorder and we came pretty near doing that.

Q. It was sort of debatable ground? A. Yes.

Q. An open forum where there were conflicting opinions expressed? A. Yes, and we had the police there. I think there would have been quite a debating society without them.

Q. If the police had not been there, there might have been trouble? A. Yes.

Q. The police were there to see that there wasn't any trouble?

A. The police were there to see that there was no disorder, no violation of the law there.

By Mr. Block:

Q. During that summer and fall, how many Socialist meetings did you attend at that corner? A. In the summer and fall I attended ten.

Q. Beginning what date? A. July 30th.

Q. And ending when? A. On October 8th.

Q. And these meetings were all on Monday evenings? A. Monday evenings.

Q. Now, was the incident you mention at which the bus drove up and the arrest took place, was that the only recruiting meeting that took place on the evenings at which Mr. Solomon had his meetings there? A. That is the only one.

Mr. Conboy.— That is, that you attended.

The Witness.— That's it; I take it for granted you meant that.

Q. Were there any meetings held there before July 30th, 1917? A. That I couldn't say.

Q. When were you assigned to that Precinct? A. On June 30th, 1917.

Q. About five or six weeks before this first meeting that you have a record of? A. Yes.

Q. And during that interval do you know of any Socialist meeting having been held at that corner? A. I don't know of any.

Q. You said the military Sergeant, Kingsley, complained about this boy that was in the recruiting meeting, to one of the police officers? A. No, he took him himself.

Q. Arrested him himself and took to one of the police officers? A. Yes.

Q. And told you the boy had made some improper remark? A. Yes.

Q. And it was upon that statement that the police arrested the boy? A. No, the policeman did not arrest the boy; the military Sergeant did and turned him over to the policeman.

Q. It was upon that statement that the policeman accepted the prisoner? A. The police have to accept prisoners placed under arrest. They have no power to release them.

Q. Now, neither the police Captain nor any policeman nor any military soldier attempted to arrest Mr. Solomon? A. No.

Assemblyman Rowe.— Did you hear the band play the Star Spangled Banner at any time?

The Witness.— No, I don't recall that they did.

By the Chairman:

Q. While the officer was speaking on the proposition of enlistment, were there other soldiers scattered about through the audience? A. My best recollection is there were two or three men scattered through the crowd.

Q. Asking the people to enlist? A. Yes; I don't know what they said to them but I presume it was asking them to join the

23rd Regiment. The 23rd Regiment were trying to fill up their ranks.

The Chairman.— Did you notice any of the soldiers over near Solomon's stand? A. No, I did not.

By Mr. Block:

Q. When the soldiers' meeting began the crowd left the Solomon meeting and went over to the soldiers' meeting? A. Yes.

Q. And some of the soldiers did recruiting from among the audience? A. Yes, sir.

Q. That audience came from Mr. Solomon's meeting? A. Yes, sir, and of course others gathered.

Q. After that the bus departed and Mr. Solomon's meeting continued? A. Yes, sir.

Assemblyman Blodgett.— Did Solomon say anything about suspending his meeting while the other was in session?

The Witness. — No, it just stopped.

By Mr. Conboy:

Q. Was he the only one that remained over there? A. No, I see here in the Assembly Chamber men whose faces I recognize as having been there and they were over to where the bus was.

Q. Yes. A. I think he had four or five other men with him.

Q. And they remained with him during the time the recruiting meeting went on? A. Yes, my best recollection is he got off the stand and was talking to a couple of people with him and then after they drove away I think he got up and started to talk.

Q. Resumed the meeting? A. Yes, that is my best recollection of what happened.

The Chairman. — Is that all of the witness?

Mr. Block. — That is all.

(The witness excused.)

The Chairman. — We will adjourn until 4:25 P. M.

(Whereupon at 4:10 P. M. a recess was taken until 4:25 P. M.)

(After recess, the Committee reconvened at 4:35 P. M.).

EDWARD T. CODY, called as a witness being duly sworn, testified as follows:

Direct examination by Mr. Block:

Q. Your name is Edward T. Cody? A. Yes, sir.

Q. Where do you live? A. 185 Van Sieten Street, Brooklyn.

Q. And are you connected with the Police Force of the City of New York? A. I am.

Q. In what capacity? A. As a patrolman in subdivision B.

Q. For how long a period have you been in the New York Police Force? A. 16 and one half years.

Q. Sixteen and a half years? A. Yes, sir.

Q. In the year 1917 were you connected with the 144th Precinct in the Borough of Brooklyn? A. I was.

Q. And was the corner or junction of Sixth Avenue and 9th Street in the Borough of Brooklyn within the boundaries of that precinct? A. It was.

Q. Were you on duty in that precinct during the month of September? A. Yes, sir.

Q. Do you recall whether or not you were on duty at a street meeting held by the Socialist party held on the corner of Sixth Avenue and 9th Street in the Borough of Brooklyn during the latter part of September, 1917? A. I couldn't just place the date, but I did attend two meetings held at that particular corner.

Q. And who was the speaker at those meetings? A. Mr. Solomon.

Q. That is, Assemblyman Solomon? A. Yes, sir.

Q. Were you assigned to duty at those meetings? A. I was.

Q. Were other policemen there at the same time? A. There were.

Q. Do you recall any special incident occurring at one of these meetings with respect to a recruiting meeting? A. I do.

Q. What was that? A. Why, a Fifth Avenue bus, that runs up and down Fifth Avenue, Manhattan, came over there with a number of soldiers on and stopped directly opposite the speakers' stand, and there were two or more soldiers addressed the crowd there and they succeeded in getting some recruits.

Q. Where did they speak? A. I am pretty sure it was from this winding stairway that led to the top.

Q. That is, in the rear of the bus. A. Yes.

Q. What makes you remember this incident; you say you attended two meetings of Mr. Solomon's; now how do you remem-

ber this particular instance? A. Well, it is rather an unusual thing for these buses to come to Brooklyn in my experience. You do not see many of them there.

Q. They do not operate in Brooklyn, do they? A. They do not.

Q. Only in the Borough of Manhattan? A. That is all.

Q. Now, were you at Mr. Solomon's meeting while he was speaking before the bus arrived? A. Yes.

Q. Were you there when the meeting began? A. I was.

Q. And you were on duty? A. Yes.

Q. Did you hear him speak. A. Yes.

Q. What happened with respect to his meeting and his speaking and his audience before the recruiting bus drove up? A. Why, when the bus drew up to the curb, the people had left Mr. Solomon's meeting and proceeded over towards the bus.

Q. And there was a speaker there? A. There was.

Q. Did you notice what Mr. Solomon did? A. I did not.

Q. Do you know what happened after the recruiting meeting was finished, and the bus departed? A. Mr. Solomon resumed the meeting.

Q. Did any of the people return to his stand? A. Some did, and some went away.

Q. He was speaking from a street platform, was he not? A. Yes.

Q. Did you notice whether there were any flags on that platform? A. There were. Two American flags on the stand, one on each corner.

Q. Was there any red flag on that platform? No, sir.

Q. Was there any red flag on his platform on the other occasion when you heard him speak there? A. No, sir.

Q. Were there any American flags there? A. There were.

Q. Did any of the soldiers from this bus approach Mr. Solomon while he was on the platform or near his platform? A. I do not know.

Q. You did not see anyone speak to him? A. No, sir.

Q. And you were present at the meeting during the entire time? A. Yes, sir.

Q. Now, did you hear any complaint made to you, or anybody, or any other officer, about any act of Mr. Solomon at that meeting? A. I did not.

Q. Either with respect to any conversation he had with the soldiers or in their conduct? No, sir.

Q. Did you hear him make any statement — I withdraw that. Did you see any soldiers approach him and ask him for the use of his platform? A. I did not.

Q. How far from this platform were you at the time the bus drove up? A. I was standing about the middle of the street, I should judge about eight or ten feet.

Q. Within sight and hearing of the platform? A. Yes, sir.

Q. You heard his remarks while he was speaking before the bus drove up, did you not? A. Some I did and some I did not.

Q. But you could hear them all? A. I could.

Q. When you did not hear them you were paying attention to the crowd? A. I did.

Q. Did Mr. Solomon make any statement as follows, either to a soldier or anybody else: "Lend you my platform? Can you borrow my platform? Huh, the gutter is good enough for you"? A. I did not hear any such remark.

Q. At either of the meetings? A. No, sir.

Q. Especially at the meeting where the bus drove up? A. Yes, sir.

Q. Did he make this statement, or did you hear this statement: "If we had our way, there would not be anyone who would ask a Socialist if they might borrow their platform to call for volunteers. I would not let you wipe your dirty feet on it." A. I did not hear any such remark.

Q. Did Mr. Solomon spit on any flag? A. Oh, no.

Q. You were on duty, weren't you? A. I sure was.

Q. Now, was that an orderly or disorderly meeting of Mr. Solomon's? A. It was an orderly meeting.

Q. Was anything said by him that would warrant anybody in making any charge or complaint against him, in your opinion? A. I did not hear any remark that would warrant any police action.

Q. Were the remarks made by him in the course of that meeting temperate or intemperate? A. I did not hear all his conversation.

Q. That which you heard, was that temperate or intemperate? A. Temperate.

Q. Did anybody come to you at any time during that meeting, or any subsequent time, and make any complaint against Mr. Solomon's remarks or conduct at that meeting, or at any of his meetings? A. They did not.

Cross-examination by Mr. Sutherland:

Q. If you saw a man spit on the American flag, officer Cody, he would not last very long, would he? A. I should say not.

Q. We do not think you saw any such thing as that at all. If it did take place you certainly did not see it. You would have arrested him right then and there. A. Yes, sir.

Q. If you had seen any such thing. A. Yes, decidedly.

Q. Now, this meeting had been going on for some time when these soldiers came up? A. It was.

Q. And they drove up and started right in? A. Yes, sir.

Q. What was the first thing, did the band play? A. The band was playing,—the bus came along and that was what first attracted my attention to the bus.

Q. Sure. A. And when this bus started to slow up and pull into the curb the crowd immediately started to leave Solomon's meeting and proceed to hear what the soldiers had to say.

Q. The crowd turned away from Solomon and his speech and gave their attention to the soldiers? A. Exactly.

Q. And the music? A. Yes, sir.

Q. And the recruiting went on there? A. Yes, sir.

Q. How long did this recruiting last? A. From 20 minutes to half an hour.

Q. And it was a pretty successful and enthusiastic meeting, was it? A. It was.

Q. And the crowd gave their attention to the enlistment meeting? A. They did.

Q. Do you know where Solomon was while the meeting was going on, the enlistment meeting? A. I do not. I went to the recruiting bus; my back was turned towards Solomon's stand.

Q. I see. How many people were there, would you say all told at that meeting? A. I should judge about 250 or 300 people.

Q. I see. How many police officers were there? A. If my memory serves me correctly there were 7 or 8.

Q. Seven or eight? A. Yes, sir.

Q. Were those meetings generally attended by two or three hundred people? A. It was only the second meeting I was to. I wasn't familiar with conditions.

Q. How many were at the previous meeting? A. There was a smaller crowd.

Q. Did you have seven or eight officers there at the smaller meeting? A. The captain told me the record showed there was

only four at the other meeting which was on the 27th of August, 1917.

Q. But you increased the number for the next meeting, did you? A. They did.

Q. Did you see any other recruiting meeting held in that precinct that year? A. Not during my four months that I was there.

Q. What four months were you on duty there? A. I went there the latter part of August and I think the latter part of November I was transferred back to Manhattan.

Q. So you were not around there until the latter part of August? A. No, not until the latter part of August.

Q. I see, and only attended two of these Solomon meetings. A. That is all.

Q. Yes. At the first one there wasn't any recruiting? A. No, sir.

Q. Do you know what subject Mr. Solomon was talking about that night? A. I do not.

Q. Did you see this boy get arrested? A. I did not.

Q. You did not hear what he said, then, about the military officers being cannibals who took these enlistments there on that occasion? A. I did not.

Mr. Sutherland.— I think that is about all, officer.

The Chairman.— Next witness.

By Assemblyman Harrington:

Q. I did not understand whether you said you were in uniform or not? A. I was in uniform.

By Mr. Sutherland:

Q. One more question, officer: You had a law, did you not, that prohibited the use of a red flag at that time? A. We did.

Q. How long had that been in force? A. Well, I could not exactly tell you.

Q. Was it an ordinance or a State law, do you recall? A. It was an ordinance.

Q. A city ordinance? A. Yes.

Q. Forbidding the use of red flags at public meetings? A. Yes.

By Mr. Conboy:

Q. Is it your recollection that those speeches — the speeches made at those meetings — were made from the winding steps that

go up? A. Well, I won't swear positive they were made from the winding steps, but I am most positive — I am pretty positive — it is sort of a spiral stairs.

Q. It is a pretty hard thing to stand on and make a speech?
A. Either that or the platform.

Q. The platform of the bus itself? A. Yes.

By Mr. Block:

Q. Were there any other police officers in uniform at that meeting? A. Why, yes, the seven or eight policemen who were there were in uniform, except Captain Zane.

Q. And during the time of Mr. Solomon's meeting, before the bus arrived, and after the bus started, these police officers in uniform, were present at Mr. Solomon's meeting? A. They were.

Q. You were asked on cross-examination something to the effect of what you would have done if any spitting on the flag had taken place in your presence, and I believe you made some answer indicating that you would have done something — what do you think anybody in that crowd, either the civilians or anybody, would have done if Mr. Solomon had spat on the flag in their presence? A. I can only speak for myself.

Q. You know the character of the people there? A. Why, any good, loyal American would have grabbed him by the throat.

Q. And he was not grabbed by the throat all night? A. No, sir.

By Assemblyman Rowe:

Q. Were there any women present at that meeting? A. Yes, sir.

Q. And did you hear Mr. Solomon say anything, at the time that the bus came up with the band, after the people left his meeting? A. Why, my attention was taken away from the meeting as soon as I saw the bus. The people started to go to the other place.

Mr. Sutherland.— Is there any way that we can find out when that city ordinance was passed?

Mr. Block.— I think you are in error as to the time. I do not think at this particular time the ordinance was passed; but, nevertheless, there were no red flags.

The Witness.— Judge, I can state that we were directed by the police officers to see that there were no red flags even though there was not an ordinance.

By Mr. Sutherland:

Q. You were acting under orders to suppress the red flags? A. Yes.

By Mr. Block:

Q. But you had no occasion to suppress the red flags? A. No.

Q. There were none there? A. No.

By Assemblyman Evans:

Q. When did you first get the orders to suppress the red flags?

A. Why, prior to my going to the 144th precinct; the latter part of August, I was assigned in citizens' clothes on motor cycle duty for three years, and that took me away from public meetings. I was simply sent out to chase speeders.

The Chairman.—Next witness.

Mr. Hillquit.—I think Mr. Waldman can resume the stand for cross-examination if the gentlemen desire to cross-examine him.

LOUIS WALDMAN, recalled.

Cross-examination by Mr. Conboy:

Q. Mr. Waldman, your direct examination terminated at the point where you had just finished a statement of the proceedings that took place in the Assembly on the first day of the present session? A. Yes, sir.

Q. And after the proceedings that you have testified to took place, the proceedings which we are now in the sixth week of began; that's true, isn't it? A. A week after or so.

Q. And you have been present, have you not, at all of the sessions that have been held during this inquiry into the matter of your qualifications? A. Yes, sir.

Q. And the qualifications of your four colleagues elected upon the Socialist ticket? A. That's so.

Q. You have been represented here by counsel? A. Rather able counsel.

Q. I would say very able counsel; and you have had the benefit of such counsel and you have also had a full and a complete opportunity of expressing your own views, haven't you? A. Well, I suppose I would concede to that.

Q. At any rate, you have not found yourself in any fashion nor to any extent hampered, have you, Mr. Waldman? A. Not I.

Q. You told us at the outset of your testimony that you came here in the year 1909? A. That is correct.

Q. You were born in Ukrainia? A. I was.

Q. At that time when you came here it was part of the Russian Empire? A. That is so.

Q. Since that time it has become a separate government? A. Yes, sir.

Q. In 1909 how old were you? A. I was 18 years.

Q. That is 11 years ago. You are not 29 yet, are you? A. No, I am 28. I was between 17 and 18.

Q. Yes, and you have received some instruction and education since that time, the character of which you have explained?

A. Yes, sir.

Q. You regard this government as a capitalist government?

A. I wouldn't put it that way.

Q. Well, is it a capitalist government or isn't it in your judgment? A. Not quite so.

Q. Not quite a capitalist government? A. No.

Q. At any rate it has been a government under which in the eleven years that you have been here you have been able to qualify yourself as a civil engineer, receive an appointment under the municipal administration of the city of New York and elected twice to the Assembly of this State? A. That was my experience in the United States.

Q. You haven't been hampered in pursuing your ambitions, have you? A. Not by the government.

Q. Not by the government of the United States? A. No, sir.

Q. Nor by the government of the State of New York? A. No, sir.

Q. Well, in 1917, when you were elected first to the Assembly you had been only eight years in the country? A. That is correct.

Q. You received your appointment under the municipality of the City of New York in what year? A. In the year 1916.

Q. You had only been seven years in the United States? A. That is correct.

Q. Did anyone send for you to come over here to change this government? A. I didn't come here for this purpose.

Q. Did anyone ask you to come for that purpose? A. No, sir.

Q. You came for the purpose of bettering your condition? A. I came here to live and adopt this as my home country and the country adopted me.

Q. You joined the Socialist party in the year 1913? A. I did.

Q. Were you at that time a citizen of the United States?

A. Declarant.

Q. When did you make your declaration of intention to become a citizen? A. About a year after I came to this country.

Q. About 1910? A. That is right.

Q. And you were a declarant in 1913 when you joined the Socialist party? A. That is correct.

Q. What local did you join? A. Local New York.

Q. And have you been a member since that time? A. I have been, sir.

Q. A dues-paying member? A. Yes, sir.

Q. When did you make your final declaration and take the oath which is prescribed for those who seek to secure citizenship in the United States under the provisions of our naturalization laws? A. The second day I was legally qualified to do so.

Q. That was when? A. In 1914 was my first hearing and the final hearing was in January, 1915.

Q. Do you remember the oath that you took at that time? A. I do.

Q. It was in this form, was it not: "I solemnly declare upon oath that I will support the Constitution of the United States and I do absolutely and entirely renounce and adjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, particularly to the Czar of Russia of which I was before a citizen or a subject, and that I will support and defend the Constitution and Laws of the United States against all enemies, foreign and domestic, and bear true allegiance to the same." You remember the language of that oath? A. I do.

Q. And you took that oath? A. I did, and I lived up to it.

Q. Now, in the year 1915, the Lusitania in the early part of May was sunk, wasn't it? A. That is my recollection.

Q. That was just about a year after you had taken the oath of allegiance, the oath which I have read to you? A. That is so.

Q. And at that time the National Committee of the Socialist party addressed a manifesto to the American people, the concluding paragraph of which was as follows: "Let us proclaim in tones of unmistakable determination not a worker's arm shall be lifted for the slaying of a fellow worker of another country, nor turned for the production of man-killing implements or war supplies. Down with war. Forward to international peace and a world-wide solidarity of all workers." You remember that manifesto, do you not? A. I do.

Q. Was it given any publicity in the New York Local of which you were a member? A. I think yes.

Q. And came to your attention? A. It did.

Q. Did you at that time, or any time thereafter, protest against the manifesto? A. I did not consider this manifesto contrary to the Constitution of the United States or the State of New York, and I, therefore, did not protest.

Q. Your answer, then, is that you did not protest? A. With the statement preceding it.

Q. At the same meeting of that Socialist party held in the same month of May, 1915, following the sinking of the Lusitania, a new section to the constitution of the party was formulated, which was submitted to the membership of the party by referendum for a vote on it, and it contained this language: This is article 2, section 7: "Any member of the Socialist party elected to an office who shall in any way vote to appropriate moneys for **military** or naval purposes or war shall be expelled from the party." Were you one of those who voted constituting the 11,041 whose votes were cast in the affirmative for that constitutional provision? A. I could not say now whether I did nor not.

Q. At any rate, whether you did personally or not, you are one that subscribed to the provision itself? A. I do.

Q. And have continuously since that time so subscribed? A. I did.

Q. You have not at any time protested against the inclusion of this provision in the constitution of the Socialist party of America? A. I did not consider this provision contrary to the Constitution of the United States or this State, and I therefore did not protest.

Q. And your answer then is that you at no time protested? A. With the statement preceding.

Q. On April 21st, 1916, when the situation in this country seemed critical as the result of the exchange of diplomatic notes with the German government over the use of submarines as means of warfare, the Socialist Party of America had its national secretary meet with the various translator-secretaries, and draw up a proclamation to be disseminated in all foreign languages to the members of the party. This proclamation ended with the following sentence: "We suggest an appeal that the workers, as a measure of self-defense, and as an expression of their power, exert every effort to keep America free from the stain of a causeless war, even to the final and extreme step of a general strike,

and the consequent paralyzation of all industry." Are you familiar with that proclamation so drawn up? A. I am.

Q. And that came to your attention in connection with your activities as a member of the Socialist Party of America, did it not? A. It did.

Q. And did you protest at any time against it? A. I did not.

Q. And have not down to the present day entered any protest against it? A. It has not been my practice to protest against everything that the national executive committee does.

Q. Whether it has been your practice to protest against everything that the National Committee does or does not you have not, at any rate, so far as that is concerned, protested against that? A. I have not, sir.

Q. In the convention of 1916 the Socialist Party of America issued its party platform, and at that time, the United States, by the acts of the German Government, was being drawn near to the vortex of the great world war; and in the National platform of the Socialist Party for that year — 1916 — there was contained the following language: "Therefore, the Socialist Party stands opposed to military preparedness, to any appropriations of men or money for war or militarism while the control of such forces through the political state, rests in the hands of the capitalist class. The Socialist Party stands committed to the class war and urges upon the workers in the mines and forests, on the railways and shops, in factories and fields, the use of their economic and industrial power, by refusing to mine the coal, to transport soldiers, to furnish food or other supplies for military purposes, and thus keep out of the hands of the ruling class the control of armed forces and economic power necessary for aggression abroad and industrial despotism at home."

Mr. Hillquit.— I hate to make objections, but I shall have to object to these portions of Mr. Conboy's question in which he injects his own historic interpretation; in the former question, "When the crisis in America was becoming acute;" in the second, "When the United States was being drawn into the vortex of the world war."

The Chairman. — Overruled. Proceed.

By Mr. Conboy:

Q. You were a dues-paying member of the Socialist Party in good standing at that time? A. I was.

Q. And you were familiar with the national platform that had been adopted by the party? A. I was.

Q. Did you protest at any time against that platform? A. No, sir.

Q. And you have not from that time made any protest against it, have you? A. That platform applied to the year 1916 and does not apply today.

Q. Well, at any rate, you have never, whether in 1916 or at any other time, protested against that platform or the language contained in it, have you? A. At any other time after the National campaign of 1916, the platform does not apply. It has been superseded by other platforms.

Q. I asked you, because I think it is important, in view of your personal interest in this matter, to reply to the question. Did you at that time, or at any other time, protest against that platform? A. At any other time there could be no occasion for protest. At that time I did not.

The Chairman. — Your answer is not responsive.

By Mr. Conboy:

Q. I say at that time — and I think I shall continue to repeat the question until I get a responsive answer: Did you at that time or any other time protest against that platform? A. I have not.

Q. On April 6, 1917, the United States declared war against the Imperial German government; you know that to be an historical fact? A. I do.

Q. Immediately thereafter, to wit, on the following day, the 7th day of April, 1917, the Socialist Party of America met in annual convention in the city of St. Louis, in the State of Missouri; you know that to be a fact? A. I know that to be a fact.

Q. And the sessions of that convention continued from the 7th day of April, 1917, until the 14th day of April, 1917? A. I think that is correct.

Q. At that convention the Socialist Party proceeded to shape its policies with respect to the situation then before the American people; isn't that true? A. That is correct.

Q. And it adopted what was known as a war program, isn't that true? A. A war resolution.

Q. War resolution? A. Yes, sir.

Q. That war resolution started out as follows: "The Socialist Party of the United States in the present grave crisis, solemnly

reaffirms its allegiance to the principle of internationalism and working class solidarity the world over, and proclaims its unalterable opposition to the war just declared by the government of the United States." You know that that is the language of the first paragraph of that war program or proclamation, do you not?
A. I believe it is.

Q. That war program or proclamation was subsequently submitted to the various Socialist locals in the United States, including the Socialist local of which you are a member, for approval of the members; isn't that true? A. That is true.

Q. And it was approved by the members of the Socialist Party?
A. That is correct.

Q. Did your local approve it? A. I am not prepared to say that.

Q. Did you personally approve it? A. I did not vote for it, by chance, but I approve of the resolution substantially.

Q. And you accepted it? A. I did.

Q. And you have never from that time down to the present protested against it? A. I have not.

Q. It called upon, after this country was in the war, the workers of all countries to refuse to support their governments in their wars, the exact language of the proclamation being, "The workers of all countries to refuse to support their governments in their wars;" at that time when that program or proclamation was so prepared, the United States was at war, was it not? A. A declaration of war having been declared.

Q. And the United States was a government, wasn't it? A. Yes, certainly.

Q. And the United States had workers, didn't it? A. Yes.

Q. Did you at any time protest against the inclusion of that demand in the program or proclamation of the Socialist Party of America? A. I did not believe that demand was illegal or unconstitutional and I did not protest.

Q. With respect to the matter of national patriotism, the position of the party was stated in this language: "The only struggle which would justify the workers in taking up arms is the great struggle of the working class of the world to free itself from economic exploitation and political oppression, and we particularly warn the workers against the snare and delusion of so-called defensive warfare. As against the false doctrine of national patriotism, we uphold the ideal of international working class

solidarity." You know that to be the language contained in the war proclamation or program of the Socialist Party of America, do you not? A. That is part of the St. Louis resolution.

Q. And it was also a part of that resolution which was adopted by a referendum vote of the members of the Socialist party?

A. As part of the resolution it had been adopted.

Q. Did you at any time ever protest against the sentiments expressed in the language that I have just read to you? A. I have not — this taken in connection with the rest of the resolution.

Q. The war program or proclamation further provides: "In harmony with these principles the Socialist party emphatically rejects the proposal that in time of war the workers should suspend their struggle for better conditions. On the contrary, the acute situation created by war calls for an even more vigorous prosecution of the class struggle, and we recommend to the workers and pledge ourselves to the following course of action:

1. Continuous, active and public opposition to the war, through demonstrations, mass petitions, and all other means within our power.

2. Unyielding opposition to all proposed legislation for military or industrial conscription. Should such conscription be forced upon the people, we pledge ourselves to continuous efforts for the repeal of such laws and to the support of all mass movements in opposition to conscription. We pledge ourselves to oppose, with all our strength, any attempt to raise money for payment of war expense by taxing the necessaries of life, or issuing bonds which will put the burden upon future generations. We demand that the capitalistic class, which is responsible for the war, pay its cost. Let those who kindled the fire, furnish the fuel."

That also was a part of that same resolution which you have already referred to as having been adopted on the referendum by the majority vote of the Socialist party of America, was it not? A. That was, and the first part had reference to the experience this country had undergone since the war was declared by those who controlled the means of life and the industries of the country, growing rich out of the blood and suffering of the people of Europe. Here is a compilation of the Internal Revenue Department of the millionaires created, beginning with 1914 and coming right down to the very end of the war. The millionaires in the United States increased from 2,348 in 1914 to 3,824 in 1915, to 6,633 in 1916 and to 6,664 in 1917. In the first year of the world war, the number of millionaires increased by 1,476. In

the second year of the war, the manufactured number of new millionaires was 2,809, the total increase of war made millionaires since 1914 was 4,285. In view of this experience we declared at the very outset of the war that the working class during the war must not submit to this crew to be exploited in the name of the war.

Q. Now, Mr. Waldman, I want to ask you a further question about that: have you ever opposed this language contained in the war program of the Socialist party of America to which I have just directed your attention? A. I have not.

By Assemblyman Evans:

Q. Mr. Waldman, do you really believe that great increase in millionaires was solely due to the war? A. Well, according to the report of the internal revenue department —

Q. I am asking you do you believe it? A. I am speaking now from the fact. It is not a question of faith or belief. The report indicates that these industries which were engaged in the production of war ammunition, and war supplies, were those that furnished the greater number of millionaires.

Q. Do you believe that report? A. I do.

Q. Do you think the oil industries in the United States and other industries had anything to do with the increase of millionaires? A. They may have.

Q. As far as you are concerned, you are willing to ascribe the increase in millionaires, as shown by that report, solely to the war? A. I did not say solely. No, I said most of the millionaires were due to the war. That was my original statement.

By Assemblyman Evans:

Q. Would you object to becoming a millionaire under those circumstances? A. Well, I don't think so, excepting I wouldn't want to become a millionaire at the expense of my fellow men.

By Mr. Conboy:

Q. At the St. Louis Convention in April of 1917, in addition to the war program to which I have directed your attention, a platform was adopted by the Socialist Party of America, and in that platform —

Assemblyman Harrington.— May I just ask a question? Mr. Waldman, you wouldn't object to some of these manufacturers of ammunition making more money at the present time by send-

ing munitions into Russia, would you, for the benefit of Mr. Lenine and Trotzky.

The Witness.— I would. I would object to making profit out of any social necessity if even you were to conceive that the munitions should be sent to Lenine and Trotzky, I would be opposed to any body of men or women making profits out of that munition. I do not approve of sending munitions to Lenine and Trotzky.

Assemblyman Harrington.— From your answer, I take it that your objection to millionaires is regardless of whether they make it by munitions or in some other way? A. That is the truth.

By Assemblyman Harrington:

Q. And that might apply in time of peace as well as in war? A. It does generally excepting in times of war when these people take special advantage of the national need for the supply of munitions and charge the nation higher prices than it actually cost to produce and coin millions of dollars. I say that the working people at that time shall not submit to the further exploitation of that crowd; that if the munition is necessary it can be produced by society as a whole, by the government, by the community, through the workers without giving anybody any particular profits outside of those employed to produce it.

By Mr. Conboy:

Q. In the platform which was adopted at the same meeting with the war program or proclamation to which I have directed your attention, there is contained the following language referring to the Socialist Party of America: "It calls upon all workers to unite to strike as they vote and to vote as they strike, all against the master class. Only through this combination of our powers, can we establish the cooperative commonwealth wherein the workers shall own their jobs and receive the full social value of their products." That platform was also adopted, was it not, as well as the war proclamation or program, by a majority vote of the members of the Socialist Party of America? A. Pardon me, Mr. Conboy; is the thing you have read the entire platform?

Q. No, it is only a part of it. A. Then, this part of the platform was adopted in conjunction with it?

Q. The whole platform? A. This part of the platform in connection with the rest of the platform, I subscribed to.

Q. You subscribed to it? A. In connection with the rest of the platform.

Q. I understand that. It was adopted, the whole platform, by a majority vote of the members of the party on a referendum? A. I do not believe this platform went to a referendum. I think the convention adopted it. I may be wrong.

Q. Whether it was adopted by a referendum or was adopted by the convention, at any rate, as I understand, you subscribed to it? A. As a whole.

Q. And including the language I read you? A. Yes, but not separate from the rest of the platform.

Q. Now, you have never at any time protested against that platform, or any part of it? A. No, sir; I did not.

Q. In that platform at the same time there was incorporated as part of the immediate program the following political demands, among others: "Resistance to compulsory military training and to conscription of life and labor. Repudiation of war debts." That also is a part of that same platform to which I understand, from your last answer, you gave your support? A. The sentiment I have seen there was at the time it was adopted, and perhaps a week after.

Q. You saw it at that time? A. Yes, sir.

Q. You did not protest against it? A. I have not.

Q. It represented the views with which you were in sympathy? A. I would not say that.

Q. Would you say it did not? A. It did not.

Q. It did not what? A. It did not meet with my approval as there expressed.

Q. What did you find in that platform, and which you disagreed with? A. If you read it again I will tell you.

Q. These last two planks? A. Yes, sir.

Q. "Resistance to compulsory military training and to the conscription of life and labor. Repudiation of war debts." A. I think it is not fully expressive of the Socialist position on the question of war, and our policy after war was declared.

Q. Those two things were not intended to be fully expressive? A. They were intended to be expressive of a certain line of action of which I did not approve.

Q. They were intended to be expressive of two things, that the party at this time stood for? A. It stood for the adoption of the St. Louis resolution at this particular time.

Q. And it also stood for the adoption of this platform at that time? A. The platform, as a whole, yes, sir.

Q. Did you at any time express any protest with respect to this particular plank in this platform? A. Understand me, that when a platform is adopted at a convention, members in the party generally do not send in protests to the convention for adopting one clause or another. This platform does not come out to the membership for a vote. I could not vote for it, or against it, because it contained that provision at the time. If I was to frame sentiments expressed there, I would not have approved of the language adopted there.

The Chairman.—Strike out the answer as not responsive.

Mr. Conboy.—I wish you would let the answer stand, because there are certain features of it that will be helpful to the committee when it comes to consider this matter.

The Chairman.—It was not in strict accordance with the rule.

Mr. Conboy.—I know that, but I wish you would let the answer stand.

The Chairman.—Very well, proceed.

Q. Now, among other things, that you incorporated in your statement, was the fact that that platform was not submitted to the membership of the party for its vote? A. I said that in explanation of my inability to protest against this particular language.

Q. I direct your attention to page 376 of the American Labor year Book for the years 1917-18 published by the Rand School of Social Science, edited by Alexander Trachtenberg, Director Department of Labor Research, Rand School of Social Science, and to that portion on that page 376, and which is as follows: the platform as adopted by referendum of the membership is as follows, and ask if I have not correctly read from that book the sentence which shows that that platform was adopted by referendum vote of the members of the Socialist party. A. May I ask you where you make reference to that, Mr. Conboy, please; where is that?

Q. The platform as adopted by referendum of the membership is as follows — A. Yes, well, that is right. That is what it says. It says that.

Q. Now, you have been here in attendance, have you not,— because it is not desirable to have any confusion upon this subject,— you have been here in attendance, haven't you, during these sessions when it was explained that that platform was submitted to the membership of the Socialist Party of America, and was adopted by referendum vote, and that after it was adopted by a referendum vote, under the provisions of the Constitution of the party, the Espionage Act was passed, and then the Executive Committee concluded that it was advisable to strike out of the platform adopted by the membership of the party on that referendum vote those two sections to which I have already called your attention, to wit, No. 6, under the head of Political Demands In the Immediate Program, as follows: "Resistance to compulsory military training and to the conscription of life and labor," and No. 7, the "Repudiation of War Debts." Am I not correct in stating that you have been here during the progress of this inquiry when that testimony has been given? A. I have been here and heard it explained, and so stated.

Q. Now when that referendum was had upon that platform and your local was called upon to vote with respect to that platform did you personally and individually register any protest against those two provisions in that platform? A. My answer still stands that I do not recollect that the platform was submitted to the referendum. If it had been I surely had not been there to vote.

Q. Well, your answer then is that you have no recollection of ever having voted upon this platform? A. Yes, sir.

Q. You did know a week after the platform was prepared that it had been prepared. Am I correct in so stating your testimony? A. Yes, sir, I followed the proceedings of the St. Louis convention.

By Mr. Conboy:

Q. And neither at that time nor at any other time did you protest against any statement contained in that platform; am I correct in that statement? A. I have not protested.

By Assemblyman Evans:

Q. Mr. Waldman, if you had had control of the St. Louis convention, what other language would you have suggested, or adopted, with reference to the repudiation of war debts? A. Frankly, I must be placed in the psychology that existed on the day that the St. Louis platform was being prepared, in 1917, and only if I was placed in that psychology, in that state of mind,

could I scientifically answer that question. For me at this time to formulate a statement on this point, in 1917, after so many events have taken place, after a different atmosphere has been created, would be unscientific and untrue.

By Mr. Conboy:

Q. What you would have done is largely a matter of psychology?
A. Yes, sir.

By Assemblyman Evans:

Q. What was your sentiment about that on December 31st, 1919? A. As I say, if I were at that time asked to formulate this particular proposition, I would not have formulated it in language of that kind. Of that I am certain.

Q. What language would you have used? A. As I say, I cannot exactly say now, under the present circumstances and under the present atmosphere, how I would have adopted and formulated a statement in 1917 under different circumstances. It would be untrue if I did tell you what words I would have used.

Q. What do you think about it today? A. I think about it today that it is out of our platform, and it is properly out of the platform, because it was deemed by those who understood the law, or who understand the law sufficiently, that this provision may be in conflict with the law; and in pursuance of that thought, they took it out of the platform. I think they did the proper thing.

Q. Only because it is in conflict with the law? A. Because it is in conflict with the law, and when anything is in conflict with the law, it should not be in any political platform.

By Mr. Conboy:

Q. That is, it was in conflict with the criminal law, was it not? A. It was in conflict with the law as it was understood by our expert attorneys, which I am not.

Q. No, but you understand, and you have been so informed during the course of this very proceeding, that it was thought it might be in conflict with this particular law which was known as the Espionage Law? A. I understand that was the explanation.

Q. And that that was a criminal law? You so understand it, do you not? A. Surely.

Q. Which created, or defined, certain crimes? A. It did.

Q. Against the United States? A. It did.

Q. And provided for those who were guilty of the commission of such crimes a penalty prescribed in the act itself? A. That is correct.

Q. And you know that many of your socialist colleagues, your colleagues in the Socialist party of America, have been indicted and tried and found guilty of the violation of that law and sentenced to terms of imprisonment? A. I am aware of the fact that some members have been tried and convicted under the Espionage Law.

Q. In short, in the language of the Executive Committee, reporting to the 1917 convention of the party, some 2,000 socialists in all have been arrested because of their opinions and the era of prosecution is by no means ended. You understand that to be a fair and accurate statement of the number that up to September, 1919, of Socialists who had been charged with a violation of laws constituting crimes against the United States, do you not? A. If that is the statement of the National Executive Committee, it is a fair and true statement.

Q. You have no reason to doubt it? A. I do not.

Q. In the same convention of April, 1917, when you adopted this war program and the platform, to the provisions or to certain provisions of which I have directed your attention, you also dealt with the subject of anti-sabotage as it was referred to or contained in your party declarations. Is not that true? A. I understand at that convention they dealt with that subject.

Q. And the result that was accomplished in that respect was to write out of the declarations of the Socialist party of America what had theretofore been contained in its declarations in the nature of a prohibition of the use of sabotage? A. The provision prohibiting the advocacy of sabotage was stricken out from the constitution because it was deemed no longer necessary to be in the constitution inasmuch as the elements who had been affected by that provision had already left the party or been put out of the party since 1912.

Q. That, I understand to be your explanation of the reason for the elimination of the anti-sabotage plank? A. That is the explanation offered on the floor of the convention, in the convention, in the committees, and the explanation by the party membership as a whole.

Q. Don't you think, Mr. Waldman, if I may ask you to express your opinion upon that subject, that it was a singularly unfortu-

nate time for the Socialist party of America, adopting a war program or proclamation of the character that it did adopt and a platform of the character that it did adopt, at the same time to eliminate the anti-sabotage plank? A. My personal opinion is that one had absolutely no relation to the other; that one had no connection with the other; that one was acted upon independent of and with absolutely no thought as connecting it with the resolution or with the war. It was stricken out from our constitution —

(Discussion off the record.)

The Witness (continuing). The constitution was generally being revised and that provision was dropped from the constitution as an independent act and should not be related to the war resolution at all.

Q. Now, it was then that certain of the men who had theretofore been identified with the Socialist party of America, left the party, wasn't it? A. No, it was not then.

Q. It was how long after that time? A. It was prior to that time that those whom the section was supposed to affect had left the party or were put out of the party.

Q. I am not referring now to those whom you say would be interested in having the anti-sabotage plank there, but I am speaking of those who apparently conceived it to be incompatible with their interests as Americans to remain in the Socialist party. I say that then they went out of the Socialist party, didn't they?

A. I am not aware of any group of people leaving the Socialist party after the adoption of the St. Louis resolution, because the adoption of the resolution was incompatible with their Americanism.

Q. When did John Spargo get out? A. John Spargo left but not because, upon his own statement, our position on the war was incompatible with Americanism.

Q. When did Allen Benson get out? A. About the same time. A year later, I am informed.

Q. And Slobodin? A. Slobodin, somewhere around there.

Q. And there were a number of other more or less distinguished names in the party who went out also? A. More or less.

Q. Who were the others that you can think of? A. Mr. Gaylord, Mr. Simons, Mr. Russell, Mrs. Stokes, Mr. Stokes; well, perhaps a few others I couldn't recall.

Q. Walling also? A. Oh, yes, Mr. Walling. I am informed here, and I want to say, Mr. Conboy, on these matters I am rather delinquent, because I am not well informed upon the technical side of the membership.

Q. At any rate, you remained in the party, didn't you? A. Oh yes.

Q. The Socialist Party of America held no convention or congress from April of 1917 until September of 1919, did it? A. It has not.

Q. In the meantime, between April of 1917 and September of 1919 there was a change in the government of Russia? A. There was.

Q. And September of 1919 when the party met out in Chicago there had been prepared and published what was known as the Communist Manifesto of Moscow? A. That is so.

Q. That Communist Manifesto of Moscow was disseminated through the Literature Department of the Socialist Party of America at the and from the main office of the party in the City of Chicago? A. I am not aware of that.

Q. The testimony shows a communication sent out from the Literature Department of the Socialist Party of America referring to this Communist Internationale of Moscow as the greatest proclamation issuing from any working class organization since the Communist manifesto of Marx and Engels of 1848; you became acquainted with the fact, did you not, that there was such a manifesto as has been referred to from the Internationale Communist of Moscow? A. From the letter that was read here I became acquainted with the fact that the literature agent at Chicago, who sells a lot of books, with the manifesto included, sent out a letter to a person in Rochester somewhere, telling him that the pamphlet was prepared.

Q. You were at the convention in Chicago in September of 1919, were you not? A. Yes, sir, I was.

Q. You went there in what capacity? A. As a delegate.

Q. And that convention in Chicago prepared for submission to the membership of the Socialist Party, for acceptance by referendum vote, two reports; that is true, is it not? A. That is correct.

Q. One known as a majority report — from the fact that it is referred to as the majority report, I would assume that the greater number of delegates in attendance at the Chicago convention were in favor of that report? A. That is correct.

Q. And the other known as the minority report, which apparently received the minority vote at the Chicago convention? A. That is correct.

Q. And the minority report has, since that time, received a majority support on the referendum by the membership of the Socialist Party, has it not? A. True.

Q. And is now accepted as the party's statement with respect to that particular phase in which the Socialist Party of America is interested? A. That is so.

Q. Your Socialist Local voted on that referendum, did it not? A. I understand that they did.

Q. Did you vote on it? A. I happened to have been sick that night when the voting was going on. I did not vote on it.

Q. Have you at any time protested against either the majority or the minority reports? A. It so happens, Mr. Conboy, that as a delegate at the convention, for myself, I did not approve of either report, the minority or majority, and I did not vote for either report; but I accept the statement as you put it, that a majority vote had carried the minority report, and it today stands as the expression of the Socialist Party of America.

Q. And it also stands in that respect as your expression, does it not? A. It stands as my expression only inasmuch as I believe in obeying the rule of the majority.

Q. In the Socialist Party of America? A. Everywhere.

Q. But at any rate there — is not that true, Mr. Waldman — at any rate, in the Socialist Party of America? A. I am a very strong adherent of majority rule in the party.

Q. Now, at the Chicago convention, in September of 1919, did you have the report of James O'Neill? A. Which report do you refer to?

Q. Well, how many reports did he make? A. Why, Mr. O'Neill made several reports for the National Executive Committee.

Q. He made several reports for the National Executive Committee of the Socialist Party of America? A. That is correct.

Q. When you say "several" there were probably reports upon different phases of the matter that he had been sent to observe and make a report upon? A. Well, not quite so; they were matters on different phases, which the National Executive Committee was to report on, and delegated him to make the report.

Q. All right. Were those reports placed before the delegates in attendance at the September, 1919, convention? A. At times it was merely read by the reporter; at other times, I remember one or two reports — mimeographed copies — were distributed among the delegates even before the convention.

Q. That is, the delegates in attendance became conversant, or informed, of the contents of these reports made by Mr. O'Neill either through mimeographed copies of them, which were furnished to such delegates, or else through the reports made verbally from the platform? A. That is correct.

Q. And what other information did you have there at that time with respect to the Russian situation? A. Why, you asked me what other information. What first information do you have reference to?

Q. Did not Mr. O'Neill make a report with reference to the — A. I have not heard him make such a report.

Q. He was sent over to Europe in the year 1919, was he not? A. He was sent as one of the delegates to the Berne conference.

Q. To the Berne conference which was held in Switzerland? A. Yes, sir.

Q. Now, there were present at that time copies of the Moscow Communist Manifesto? A. Where?

Q. In September, 1919, in Chicago? A. What is the question; as to who had it?

Q. Yes, as to who had it? A. I do not know whether anybody had it at Chicago or elsewhere.

Q. What did you understand to be the new Internationale? A. In connection with what?

Q. Does that phrase that I have used express any meaning at all to your mind? A. Not at all.

Q. You never heard before of the phrase "the new Internationale? A. Not as it stands by itself.

Q. Did you ever hear before about the Third Internationale? A. Yes, I did.

Q. What did you understand by the Third Internationale? A. By the Third Internationale I understand it as being a proposition made by several parties in Europe, including Russia, that an Internationale be built different and apart from that which was called the Second Internationale.

Q. And was there any statement made of the purpose of that proposed Third Internationale? A. There weren't any.

Q. None at all? A. None at all.

Mr. Hillquit.— Let us get that a little clearer, Mr. Conboy.

Mr. Conboy.— Perhaps Mr. Waldman will help me get it a little clearer.

Mr. Hillquit.— That is what I am trying to expedite. When you ask, Mr. Conboy, whether there were any statements will you please state by whom, then Mr. Waldman could probably answer.

The Witness.— I answered the question as it was put.

Mr. Hillquit.— Yes.

By Mr. Conboy:

Q. Was there any statement made by the five men of whom two were Lenine and Trotzky? A. Made to whom?

Q. Made to anybody? A. They made many statements, Mr. Conboy.

Q. Well, that does not get us anywheres. Do you remember a statement made to the proletarians of the world? A. I remember at least three statements made to the proletarians of the world.

Q. Do you remember a statement referred to as the Moscow Communist Manifesto? A. I remember such a statement.

Q. When the Socialist Party of the United States, in the minority report which was adopted by the members of the Socialist Party through the referendum vote declared as follows: "The Socialist Party of the United States therefore declares itself in support of the Third Moscow Internationale," what did it have reference to as the Third Moscow Internationale? A. As I understand it, it had reference to a set of principles which have been set out as being those that should be the ones guiding a new Internationale, or the Third Internationale.

Q. Where has that set of principles been set out? A. Well, they are not clearly set out in a positive way, but rather in a negative way.

Q. Well, tell us where they have been set out in this negative rather than a positive way? A. I would put it this way. The general sentiment against coalition ministers on the part of revolutionary Socialist governments was one of the principal reasons for the demand for this new Internationale; and the principle of no

coalition would be one of the principles that would guide the Third Internationale, as I understood it.

Q. I am still waiting to ascertain from you where these principles have been set out using the language employed in your answer? A. I do not know of any document that would contain the principles clearly set out.

Q. Well, you do know, however, of the document which on its title page is referred to as the manifesto,— of the Communist Manifesto, adopted by the congress of the Communist Internationale at Moscow, March 26th, 1919, and signed by Comrades C. Rakovsky, N. Lenin, M. Zinogev, L. Trotzky and Fritz Platten? A. I knew such a manifesto was issued at the Moscow Congress.

Q. Who attended at that Moscow Congress? A. I think it was best stated by Mr. Hillquit, who was qualified to speak on that subject. I am not.

Q. And that Moscow Congress as composed, as Mr. Hillquit has stated, and I understand you accept his explanation in that respect, issued this manifesto which is referred to in the record as having been adopted by such a Congress on the 26th of March, 1919? A. As far as I know, this is said to be their manifesto.

Q. Now, in the introductory part of their document there is this statement: "This manifesto is the first official document of the Communist Internationale that was founded at Moscow, Russia." I ask you if that is not the same Internationale that is referred to in the minority report to the Socialist party as the Third Internationale convened at Moscow? A. I believe in a general way it had reference to this Internationale.

Q. That is, you believe that the minority report adopted by the referendum vote after the convention in September, 1919, had reference to what is referred to herein as the Moscow Internationale? A. It had reference to the Moscow Internationale.

Q. Now, in the manifesto that was adopted in Chicago you also, in addition to the preparation of these two reports, the majority report and the minority report, had your own manifesto out there in Chicago, didn't you, in September, 1919? A. What do you mean by having your own manifesto?

Q. You issued what was called a manifesto? A. Yes.

Q. I refer to that as being your own manifesto? A. As a party. I thought you referred to me personally.

Q. And in that you said, "We the Socialist of America declare our solidarity with the revolutionary workers of Russia in the

support of the Government of their Soviets, with the radical Socialists of Germany, Austria and Hungary in their efforts to establish working class rule in their countries, and with those Socialist organizations in England, France, Italy and other countries who during the war as after the war, have remained true to the principles of uncompromising international Socialism." That is down in that manifesto adopted in Chicago? A. That is with this correction, that it does not say solidarity but, "we pledge our support".

Q. Yes, but you heard the statements made by Mr. Hillquit that as he had drafted that he had used the word solidarity?

(Discussion off the record).

Q. You have heard Mr. Hillquit's statement that that expression that he used, solidarity, was, after all, not any different from the phrase afterwards adopted? A. I heard Mr. Hillquit say that.

Q. Now, except with that correction, the change of the expression that you have referred to, this manifesto is the one adopted in Chicago? A. This is part of the manifesto so adopted.

Q. And you were there at the time? A. I was.

Q. And subscribe to it, don't you? A. I do.

(Discussion off the record).

The Chairman.—We will take an adjournment until 10:30 tomorrow morning.

(Whereupon, at 6 o'clock P. M. an adjournment was taken until 10:30 o'clock of February 26, 1920).

STATE OF NEW YORK — ASSEMBLY CHAMBER

In the Matter of the Investigation by the Assembly of the State of New York as to the Qualifications of Louis Waldman, August Claessens, Samuel A. deWitt, Samuel Orr and Charles Solomon to Retain Their Seats in Said Body.

THE CAPITOL,

ALBANY, N. Y., *February* 26, 1920.

Present:

Hon. Louis M. Martin,
 Hon. George H. Rowe,
 Hon. James M. Lown,
 Hon. Edmund B. Jenks,
 Hon. Edward A. Everett,
 Hon. William W. Pellet,
 Hon. Edward J. Wilson,
 Hon. Charles M. Harrington,
 Hon. Harold E. Blodgett,
 Hon. Theodore Stitt,
 Hon. Louis A. Cuvillier,
 Hon. Maurice Bloch,
 Hon. William S. Evans.

Appearances:

For the Judiciary Committee:

Charles D. Newton,
 John B. Stanchfield,
 Arthur E. Sutherland,
 Elon R. Brown,
 Martin Conboy,
 Samuel E. Berger,
 Archibald E. Stevenson,
 Henry F. Wolff.

For the Socialists:

Morris Hillquit,
 Seymour Stedman,
 S. John Block,
 Gilbert E. Roe,
 William Karlin,
 Walter Nelles.

Hon. LOUIS MARTIN, Chairman.

(The Committee met pursuant to adjournment at 10:45 A. M.)

LOUIS WALDMAN, recalled, testified as follows:

By Mr. Conboy:

Q. Mr. Waldman, I understood you to say yesterday that the Speaker of the House in connection with the proceedings that were taken at the time you, with your Socialist colleagues, were called to the well of the House, informed you that you would not be given an opportunity to be heard? A. I said that in answer to a question by myself, the Speaker said, in substance, that if the resolution which is going to be introduced upon you getting your seats is adopted you shall be excluded from this House and then your qualifications shall be investigated.

Q. What he actually said is this, isn't it, reading from the stenographer's minutes from page 3 as they are handed to me: "It is every citizen's right to his day in court. If this House should adopt a resolution declaring your seat herein vacant, pending a hearing before a tribunal of this House you will be given an opportunity to appear before such tribunal to prove your right to a seat in this legislative body, and upon the result of such hearing and the findings of the Assembly tribunal, your right to participate in the actions of this body will be determined." A. My question to the Speaker which called forth this answer was that this House cannot suspend us or exclude us, without giving us an opportunity to be heard and to defend ourselves and to state our side against the charges made in the Speaker's speech. To this the Speaker replied that when the resolution is offered and adopted you shall be excluded and after you have been excluded your rights to the membership of this House denied, you shall be investigated

and then found whether you are fit or not. To me that answer conveyed the meaning that we shall hang you first and try you afterwards.

Q. Have you finished? A. I have, Mr. Conboy.

Q. I have read you the stenographer's minutes that contained the statement made by the Speaker with regard to your inquiry before the tribunal of the House to prove your right to a seat in this legislative body. You do not doubt that what I have read is a correct statement of what transpired upon that occasion, do you?

A. Excepting that this statement, without the preceding and succeeding paragraphs, has no meaning and cannot stand by itself.

Q. Now, then, immediately after that Mr. Claessens said: "Mr. Speaker, do I understand we have no rights until this body officially decides?" And the Speaker replied: "If the House so decides." A. That was part of the question and answer.

Q. Then you said: "According to the rules adopted by this body only a little while ago, a member elected to this House can only be unseated when charges are filed against him and the Judiciary Committee reports on the situation and then action taken by this House. Is it not true?" And the Speaker replied, "The Chair rules that the Majority Leader be given an opportunity to present his resolution." Now, then, after that, in regard to the resolution which has been incorporated in this record and submitted, the Speaker then said, "The question is upon the adoption of the resolution." You then made this remark: "May I inquire whether it is not the rule of this House and the precedent of the State Legislature that when charges are filed against any member of this House the duly elected member is permitted to represent his district until the Judiciary Committee renders its decision and renders a report to the Legislature, whereupon the Legislature acts? Has that not been the precedent and is it not the rule?" To which the Speaker replied, "In reply, the Constitution provides that the House is the sole judge of the qualifications of its members, and it may or may not grant a hearing. It is the purpose in this case that you shall be given a day in court. The question occurs upon the adoption of the resolution." And then you said, "On a point of parliamentary inquiry, I want to find out if it is possible to move a reference of this resolution to a different committee other than the one named?" To which the Speaker replied, "If the resolution is adopted, it carries its own reference. The question is upon the adoption of the resolution;

all in favor will say aye; all opposed will signify by saying no. The Clerk will call the roll." Now, is that a true and correct statement of the record? A. Excepting that the record does not convey the situation as it happened in the House. When I arose to ask for a parliamentary inquiry, the first thing the Speaker did was to put down the gavel and say: "No discussion on this resolution." I then put the parliamentary inquiry, and the purpose of my parliamentary inquiry was to determine whether a resolution which carried with it a provision for the suspension of five members of this House could be adopted without giving the members of this House an opportunity to explain their position and to answer what I call a grossly misrepresented charge on the part of the Speaker.

Q. Was that what you intended to convey by your parliamentary inquiry as stated in the record? A. That was the first—

Q. No, just a minute. When the Speaker said the question occurs upon the adoption of the resolution, you are recorded as follows: "Mr. Waldman: Mr. Speaker, on a point of parliamentary inquiry, I want to find out if it is possible to move a reference of this resolution to a different committee other than the one named?" Is that the statement that you have explained in answer to the last question? A. No, sir, I explained the first. When the purpose of this question, Mr. Conboy, was when the Speaker told us we could not debate the resolution, I intended to move that the resolution be referred to the Committee of the Whole, creating this House as a Committee on the Whole, and then the resolution having been referred to it, debated on the spot, and argued the matter out,—this was the purpose of my question. The Speaker replied I could not move any rereference of the resolution.

Q. The Speaker then put the adoption of the resolution to the House? A. He did.

Q. And the Clerk called the roll, didn't he? A. He did.

Q. The vote as announced was 140 ayes and 6 noes? A. That is so.

Q. Now, I inquired of you yesterday about whether Mr. James Oneal had made any report to your Chicago Convention of September, 1919, on the Russian situation, and did I understand you correctly to say that Mr. Oneal did not report on the Russian situation? A. No, sir, I did not say that.

Q. Well, he did report on the Russian situation, didn't he? A. My recollection is that he did.

Q. And in his report he made a report which favored the Moscow Internationale, didn't he? A. I could not say that; I do not recall the contents of his report.

Q. Do you recall whether this paragraph was contained in his report favoring the Moscow Internationale: "The Moscow Congress certainly has in mind the ideals of Socialism, not concept of Communism of wealth which has characterized many religious sects. This membership is made up of all elements of the Socialist movement that oppose war and militarism, relying upon the class struggle to chart the course of the movement, and keeps in mind the fact that the real struggle in the modern world is one between workers of all countries as against the ruling class of all countries." Do you recall that paragraph in his report? A. I do not personally recall, but if it is part of the record, Mr. Oneal must have said that.

Mr. Hillquit.—Have you got that report, Mr. Conboy?

Mr. Conboy.—No. Do you want to see what I have been reading from?

Mr. Hillquit.—Yes. I should like to have it in evidence if you do not object.

Mr. Conboy.—I have no objection.

The Chairman.—Mark it in evidence.

(The paper referred to was marked Assemblymen's Exhibit No. 9 of this date.)

(Discussion off the record.)

Mr. Hillquit.—I have offered this article under a misapprehension, I move for leave to withdraw the same from the record.

The Chairman.—Your motion is granted. You can withdraw it.

By Mr. Conboy:

Q. Now, Mr. Waldman, do you know where it is possible for us to get the official copies of Mr. Oneal's report on the International Socialist situation made to the Chicago convention of the American Socialist party? A. I could not give you that information, Mr. Conboy.

Q. Do you know any place or any person to whom we might apply for that information? A. I should think Mr. James Oneal is the best person to apply to.

Q. Where is he? A. Mr. James Oneal is the associate editor of the New York Call. You can address him at the New York Call.

Mr. Conboy.— Will you, Mr. Block, inasmuch as Mr. Oneal is associate editor of the New York Call, supply us with the reports he made to the Chicago convention in September, 1919?

Mr. Block.— I think you have ample facilities for obtaining anything you want. You have shown your ability to do it, and I think you may as well continue it.

Mr. Conboy.— It is a fair and gracious reply. It answers my question, and I ask the Chairman to issue process to Mr. Oneal to produce the reports submitted to the September, 1919, convention of the Socialist party by Mr. James Oneal on the subject of the Moscow Internationale.

Mr. Hillquit.— In what respect is the Chairman to issue process?

The Chairman.— Every side is entitled to a subpoena.

Mr. Block.— There is in evidence, I believe, a copy of this bulletin, and if there is any reference to the report in that convention we shall be glad to ascertain where it is and produce it. We object to any assumption in the question which isn't established.

The Chairman.— Very well, proceed.

By Mr. Conboy:

Q. Have you any information with regard to the questions I put to you respecting the contents of Mr. Oneal's report on the Moscow Internationale? A. I have no recollection, Mr. Conboy, on that report.

Q. Now, with regard to the repeal of the anti-sabotage provision in the Constitution which was adopted in April of 1917, the anti-sabotage plank was in the National Constitution of the Socialist party of America, wasn't it, Mr. Waldman? A. It was since 1912, if my recollection is right.

Q. And it was article 2, section 6, of the Constitution as it existed until after the adoption of the plank that cancelled or

deleted the anti-sabotage plank? A. I believe you are correct in that.

Q. That motion to delete from the Constitution the anti-sabotage plank was submitted to a referendum vote of the members, was it not? A. My recollection is it was.

Q. And it was thereby disseminated throughout the entire country? A. Among the membership of the Socialist party.

Q. Among the membership of the Socialist party, and it was adopted by such referendum vote? A. My impression is it was.

Q. You told us yesterday that the reason why you objected to the resolution that was offered by Mr. Link on the 11th of February, 1918, was because it contained statements that were historically inaccurate? A. That is correct, Mr. Conboy.

Q. Now, I will read you the resolution as presented and adopted at that time and ask you which of these statements contained in it were, in the opinion of the Socialist members of the Assembly at that time, not in accordance with the facts?

The Chairman.—Is that from the report?

(Discussion off the record.)

Mr. Conboy (reading).—“Whereas, February 12, 1918, is the anniversary of the birth of Abraham Lincoln, former President of the United States, the great emancipator of the oppressed and the liberator of those held in bondage and servitude in America,” no fault to be found of that by the Socialist party?

The Witness.—After you have read the entire resolution I shall point out those portions which we could not support.

Q. I am endeavoring to ascertain which those portions are. I have read you the first paragraph of that resolution. I would like to have you express your opinion as to whether that was or was not objectionable? A. We could not vote on the resolution paragraph by paragraph. We could not express our opinion on the paragraphs. We could express our opinion on the entire resolution.

Assemblyman Evans.—Don't you understand he has the right to ask you the question in that way?

The Witness.—I could not express my opinion on a separate paragraph unless linked up with the rest of the paragraphs of the entire resolution, inasmuch as my vote was demanded on the entire resolution.

Assemblyman Evans.— He is asking you to give your opinion on your paragraph to-day.

The Witness.— My answer is, I couldn't.

By Mr. Conboy:

Q. Your answer to that is that you cannot state whether in the opinion of the Socialist members of the Assembly, that was or was not an accurate statement. Is that what you want to have this Committee believe? A. No, sir, I don't want the Committee to believe that. I want the Committee to believe that I could not express my objection to the resolution paragraph by paragraph; after the whole resolution is read I shall be glad to point out which portions of the resolution are objectionable, and to my mind historically untrue.

Q. Now, just a second, Mr. Hillquit. This witness is, after all, here before the Committee to answer questions with relation to his qualifications. Now it isn't you who is —

Mr. Hillquit.— You need not argue. I will withdraw my question. I was trying to be helpful. Go ahead.

By Mr. Conboy:

Q. You have just said that if the whole resolution were read you could pick out those provisions of it or the portions of it which to your mind were objectionable? A. That is correct, Mr. Conboy.

Q. Then you should not have the slightest difficulty in pointing out those provisions when the resolution is read paragraph by paragraph, and I will start on this paragraph again, the first one. You have made two charges with regard to this resolution, one, that there was very little reference to Abraham Lincoln in it; and secondly, that the facts, or historical statements, were inaccurate. I am trying to ascertain from you, by reading the resolution to you, what your objections are to the statements contained in the resolution. You ought to be able to do that as the paragraphs are read, just as well as though the entire thing were read and then you point out the paragraphs which you regard inaccurate. A. Very well.

Q. "Whereas, February 12, 1918, is the anniversary of the birth of Abraham Lincoln, former President of the United States, the great emancipator of the oppressed and the liberator of those held in bondage and servitude in America"— do you find anything wrong about that? A. Absolutely not.

Q. "And whereas, his desire" — you understand "his desire" referred to Abraham Lincoln's? A. That is correct.

Q. "Whereas, his desire for the freedom of a subjected people was materialized and sustained through the agency of war"— do you find any objection to that? A. I do.

Q. What? A. The objection is that this paragraph conveyed the impression that the desire and the hope of Abraham Lincoln was materialized through the agency of war, and that this agency, therefore, became an engine of progress and liberation, with which I do not agree and with which the Socialists cannot agree. The Civil War was forced upon Abraham Lincoln, not because he wanted to use it as an agency for the liberation of the slaves, but because the slave owners refused to obey the mandates of the country.

Q. There is no doubt in your mind, is there, Mr. Waldman, that if the Civil War had not been fought, the North would not have been successful in its program? A. It may or may not have been successful in its program.

Q. At any rate, whether in the realm of possibility it might or might not, it was through the agency of the war successfully in its program, was it not? A. It was not through the agency of the war that Abraham Lincoln realized his desires and hopes.

Q. Well, was it not through the war that the will of the North was imposed upon the South? A. The will of the North was imposed upon the South by legislative and executive action and the war was forced upon the North by the slaveholders, who refused to obey the legislative and executive mandates of the country.

Q. Assume that the war was forced upon the North by the actions of the South, did not the will of the North, which was expressed through legislative and constitutional enactment, was not that will made possible of enforcement upon the South by the victories of the North in the war? A. That was part of it.

Q. You have no doubt, have you, that if the North had been unsuccessful in that war, it could not have imposed its principles and policies as expressed in its legislation upon the South? A. My personal opinion, Mr. Conboy, from history, is that whether the North had won the victory at that time or not, slavery would have been abolished and the principles advocated by the North would have eventually prevailed both in the South and in the North, for the reason that the economic plans of the country demanded the abolition of slavery.

Q. Leaving out of the question altogether your opinion as to what would have happened if something else had not happened, let me direct your attention to what actually did happen, and I ask you if it was not true that the agency of the war and its victory in the war that the North was able to impose its policy on the South? A. My answer is that I do not see that the policy and will of the North was enforced upon the South by the agency of war.

Q. That is as far as you will go in that connection, I suppose? A. Excepting, Mr. Conboy, that this part of the resolution reads as follows: "Whereas, his desire"—Abraham Lincoln's desire—"for the freedom of a subjected people was materialized and sustained through the agency of war," conveying the impression that it was the desire of Abraham Lincoln that he use this agency to sustain his will and desire, with which we disagree. It is not the fact. It is not the historical truth.

Q. The impression you want to make upon those who are listening to you is that this resolution said that it was Abraham Lincoln's desire that there should be war? A. No, I do not wish to convey that impression. The language is too simple to need an interpretation.

Q. If it is too simple, suppose I read it: "Whereas, his desire for the freedom of a subjected people was materialized and sustained through the agency of war." Now, is there anything wrong about that statement? A. There is.

Q. Was not the desire of Abraham Lincoln for the abolition of slavery materialized—that is, made into a definite and active accomplishment—through the agency of the war? A. No, sir. Pardon me—

Q. If you say "No, sir," that is all. A. May I add one sentence?

Q. Yes. A. No, sir. The desire of Abraham Lincoln and his associates was materialized and sustained by the vote of the people of the country, and he enforced that desire, that had been sustained by the vote of the people of the country by means of the agency of war to a partial degree.

Q. That is the way you would have phrased it had you drawn this paragraph? A. That is an historic fact and that is the way I read history.

Q. And because it was not phrased in that fashion that is one of the paragraphs you object to? A. No; because it did not state to my mind an historic truth, and cast reflection upon the state of mind and spirit of Abraham Lincoln.

Q. Now, take this paragraph: "Whereas, our nation and our state are now engaged in the maelstrom of the world's great conflict to insure the world against a greater subjection and vassalage than heretofore ever known; to prevent the weak from being wantonly engorged by the mighty;"—do you find anything wrong with that? A. I do.

Q. Now, go ahead and explain your reasons for objecting to that paragraph. A. Mr. Conboy, I believe again from my study of history that wars in modern times are the result of economic forces, not because a small group of people called capitalists or anyone else actually desire war when the war comes, but that modern wars are the result of certain social and political and economic forces operating within what we call the capitalist system, and the way to judge the purposes in war is two-fold, Mr. Conboy. One is to analyze the forces operating prior to the war. The second is to analyze the forces operating at the peace table when war is concluded. We Socialists judge the war by analyzing the forces prior to the war. Non-Socialists today must come to the position of the Socialists by judging the way the war ended, and the material discussed at the peace conference as to whether this statement is correct or not.

Assemblyman Evans.—You mean they should not but they must.

The Witness.—I mean those intellectually honest who follow events for the purpose of understanding them.

Q. At that time would you consider, Mr. Waldman, that there was any danger of the victory of the Central Powers? A. I will tell you at the outset, Mr. Conboy, that as a military expert I cannot qualify.

Q. You will concede that in February of 1918 there was great danger that Germany might possibly be successful in this war? A. There might have been. I am not qualified to say. I trusted to General Pershing and to General Foch and the other generals to be the authorities on war and military advantages or lack of advantages. I cannot, Mr. Conboy, throw any light or give any more information upon the question than I have stated in my former answer. I am no authority on that.

Q. You would have us understand, therefore, that you had no opinion with respect to any danger that was existing at that time with regard to the possible success of the Central Powers? A. Mr. Conboy, I had no military opinion.

Q. All right, that is the answer you want to make? A. I do, Mr. Conboy.

Assemblyman Evans.— You had your own opinion about it?

The Witness.— Frankly, no, because I had no information to base it on. I do not consider the information received as in any way authentic.

Q. “Whereas our young men are now called upon to insure the world against aggression and threatened subjection.” They were called upon in this country, were they not, to oppose the German Empire in that war? A. They were, Mr. Conboy.

Q. But you did not regard the German Empire as repressing aggression and threatened subjection, oppression and tyranny? A. I did.

Q. Then you agree with that statement? A. I agree with the large part of the statement.

Q. “Whereas, we have just sustained our first great loss in carrying the cause of emancipation to foreign lands,” hadn’t we? A. We had at that time.

Mr. Hillquit.— At what time?

The Witness.— We had sustained the loss of 120 of our American boys. My answer to the question was, have you sustained loss, my answer was to the last part. I have not been questioned on the latter part, and have not given any answer.

Q. Did you agree with the statement that we were carrying the cause of emancipation to foreign lands? A. I did not, and I do not believe so to-day.

Q. Belgium had been overrun? A. Yes.

Q. And the northern part of France had been devastated and occupied? A. I will take your statement if you say so.

Q. And it was the time of the great Ludendorff drive? A. I am not qualified to say.

Assemblyman Harrington.— Mr. Waldman, don’t you know that?

The Witness.— I do not know that is true.

Assemblyman Harrington.— Aren’t you a student of history?

The Witness.— Yes, but not of military affairs.

Assemblyman Rowe.— You read the newspapers?

The Witness.—Hardly. I want to say that after a month of war reports I became so sick and disgusted with both sides exaggerating, both sides telling stories, telling stories of gruesome bloodshed; in some cases trying to justify one side and the other, to the extent that I left that part of the newspaper reports entirely to others. I did not follow the war correspondence or war news and I am certain that there must have been a lot of other people who afterward disregarded all war news.

Assemblyman Harrington.—You left the bloodshed to somebody else?

The Witness.—I did not, Mr. Harrington.

Assemblyman Pellet.—How do you say the newspaper reports were exaggerated?

The Witness.—From the statements they made generally of historic facts of the war.

Assemblyman Pellet.—You knew they were not true but exaggerated?

The Witness.—Yes.

Assemblyman Rowe.—How did you know that?

The Witness.—All I needed to do was to look up the newspaper reports which carried stories about fighting to crush the military tyranny of the world, and before world peace will be established — and Mr. Rowe, if you look up the history of 1812 to 1815, you will find the exact language used by the countries in Europe against Napoleon, “Crush Napoleon, crush the military despot of the world, and the world shall have peace forever after.” When I saw the same statement one hundred years after, with forty to fifty wars in between I did not believe that statement.

Assemblyman Jenks.—What did that have to do with all that was transpiring on the battlefield?

The Witness.—This led me not to believe a good many other things that were reported, besides a good many things I could not understand if I read them.

Assemblyman Jenks.—Then it means, hit and hit, if I might disagree with the advisability of having it done for justification?

The Witness.— I think I would hit him back.

Assemblyman Evans.— What you mean to say is that some newspapers gave favorable reports to one side of the war, and some others, and you could not tell which ones you believed?

The Witness.— That is true.

Assemblyman Evans.— And you were not particularly interested which was the true side?

The Witness.— As a matter of fact, that is true.

By Mr. Conboy:

Q. But this resolution was presented after we had been in the war for almost over a year? A. Yes, and my answer is, Mr. Conboy, that there are certain parts of the resolution which were historically untrue, and I indicated them so far.

Q. And you have also stated at this time you had not formulated any opinion with respect to the prosecution of the war itself? A. No, sir, I have not said that.

Q. Well, maybe you have not,— I gathered that impression from what you had said? A. I am sorry. I meant to convey the impression that I had no opinion which would be called authoritative on military affairs. In fact, I could not express an intelligent opinion on that matter.

Q. You read the New York Call at that time? A. Yes, fairly regularly.

Q. Did it carry any news about the war? A. A lot of it.

Q. Did you read any foreign language newspapers? A. I did not.

Q. None whatever? A. No, I read the Times, the Tribune, the World, regularly, along with the Call.

Assemblyman Evans.— I want to ask whether, when you answered the question we had been particularly interested in as to which side was succeeding, was that your state of mind after or before we entered the war?

The Witness.— That was before we entered the war.

Q. Did you become interested in which side should succeed after we did enter the war? A. I will say this —

Q. I am not going to stop you from saying what you like, but

if you will have the question read to you, you ought to be able to answer yes or no, but you need not do it, and you can answer it as you like? A. I will answer it this way, Mr. Conboy, that after we entered the war, I wanted to see the welfare and the best interests of the United States preserved in this world conflict.

The Chairman.—That would be brought about by the success of our army?

The Witness.—That could have been brought around in more than the success of arms by taking certain attitudes for world peace which would have secured not only the welfare of the United States, but also those ideals for which America stands.

Q. Do you know how we could have made effective any ideas that we had if we were defeated in the war? A. Mr. Conboy, I have not said that we should be defeated in the war.

Q. Have you said that we ought to be successful? A. I did.

Q. When? A. The United States ought to be successful in all its undertakings.

Q. When did you say that? A. I say it now, and said it all the time.

Q. I know you are saying it now, and without at all impugning your motive,—there may be a reason for your saying it, but I want to find out where you, at any time, expressed that during this conflict? A. By my whole line of action.

Q. By your whole line of action as indicated by your participation in the conduct of the Socialist party of America? A. By my participation in the conduct of the Socialist party of America, and as a citizen of this republic.

Q. Now, when did you sign Exhibit No. 88 for Identification? A. I signed this, Mr. Conboy, at the time the nation was singing, "I Didn't Raise My Boy to be a Soldier."

Mr. Sutherland.—I object to that. They didn't sing it up our way at all, Mr. Chairman. (Applause.)

Mr. Block.—They sang it in the public schools of New York city.

Mr. Sutherland.—They don't have that kind of songs up in our end of the State.

By Mr. Conboy:

Q. You have correlated or synchronized this act of yours in signing the anti-enlistment pledge with a song. Now, when do

you fix the date of that? A. Why, the best of my recollection is that this was some time in the early part of 1916.

Q. And that was two years after you had taken your oath of naturalization, wasn't it? A. That was so, Mr. Conboy.

Q. Now, I am going to read to you. In this anti-enlistment pledge of yours which you signed two years after you took your oath of naturalization, you said as follows: "I, being over eighteen years of age, hereby pledge myself against enlistment as a volunteer for any military or naval service in international war, offensive or defensive, and against giving my approval to such enlistment on the part of others." I want to direct your attention to that language by which you pledged yourself in 1916 against enlistment for service in an international war, offensive or defensive, and against giving your approval to such enlistment on the part of others, to the oath that you solemnly took two years before in the year 1914 when you swore that you would support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same. I ask you to take those two statements and to reconcile them to this Committee (handing papers to witness). A. Mr. Conboy, at the time these slips were being circulated the country was divided into two camps politically, one advocating military preparedness, the other opposing military preparedness. One side was trying to force the United States, the President of the United States, to ask of Congress the enactment of greater military preparedness, the other side opposing that view and trying to keep the President at his original position. In that there were no small groups but large movements, lined up on both sides,—Those who were interested in establishing a larger army and a larger navy and in forcing the President to come out for a program of large preparedness, and they were circulating petitions and demands and asked everybody in sight to sign them and then forwarded them to the President, pointing out how many citizens of the United States demand preparedness. The same was done by the other side. It was long before the United States entered the war. It was at a time when we maintained neutrality. It was at a time that the President was about making the campaign on the slogan, "He kept us out of war," with the implication that he was going to keep us out of war. It was the time that President Wilson on that

slogan was elected against Charles Evans Hughes, and under those circumstances and even prior to this was it that I signed this pledge. And, Mr. Conboy, I do not consider this pledge in any way, shape or form in violation of my oath of allegiance to the United States. I believe I am ready to defend the United States and its institutions against foes internally and externally, and I believe that those who advocated the military preparedness, the arming of the nation to their teeth, were those that were leading the country as a matter of public policy to destruction and ruin. This is my conviction. It is my conviction today, Mr. Conboy, that those who advocate military establishments of large size in any country are the enemies of the country because they sow the seed by destroying those institutions and civilizations which have destroyed every other country in the past that have established large military establishments. For these reasons and with these convictions I signed this pledge.

Q. Are you through? A. I am.

Q. Now in this pledge taken by you, signed by you, after you had sworn that you would support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, you say that you pledge yourself against enlistment as a volunteer for any military or naval service in the International war, offensive or defensive; now, what do you mean by a defensive war in that pledge? A. I had in mind the situation that existed in the world at that time, with every military country pretending that they were fighting a defensive war,—having had that impressed upon me as a practical experience in the world war, when the German Kaiser and his whole junker machine said to his people they were fighting a defensive war. The same was true of Czar Nicholas in his proclamations to the people of Russia. The same was true of England and France. Having this in mind I put my name down to that pledge.

Assemblyman Evans:—Didn't you form a judgment as to which of those Czars or Kaisers were telling the truth or not?

The Witness.—On this I shall say, Mr. Evans, that this war was prepared by the social, economic and political forces operating in the past 20 years or 30 years, and may I add that since the beginning of this century Europe has experienced six actual wars and four threatened wars. Now, under those circumstances, from a study of the experiences in the 20 years, I could

not make up my mind that had not the Kaiser done this, war would not have broken out. War was the logical outcome of the military preparation in all camps, of the search for markets in all camps, of the search for possibilities for investment in all camps, in the secret diplomacy in all camps, in the chicanery on the part of bankers to seek to invest their moneys in all camps, and any excuse would have been a good excuse for them to start this conflagration.

By Assemblyman Harrington:

Q. If that is your interpretation of what a defensive war was, will you elucidate on what you think an offensive war was? A. Mr. Harrington, I believe in modern times there is very little difference in defensive and offensive wars, as is commonly being spoken of by the various ruling classes.

By Mr. Conboy:

Q. Then your pledge to support and defend the Constitution and laws of the United States against all enemies hasn't very much meaning, has it? A. It has to me a very great meaning.

Q. Suppose that the United States was engaged in a defensive warfare, would you support it? A. If it were engaged —

Q. In a defensive warfare? A. If it were engaged in a defensive warfare such as I understand defensive, invasion, I would.

Q. Then it comes down to this, as it did in connection with the testimony given by Mr. Hillquit, doesn't it, that the Socialist party of America assumes to itself the right to determine when the United States is or is not engaged in a defensive war? A. No, sir, it does not. The Socialist party of America says as a political party it is opposed to certain policies of the government, or rather the administration of the government, and that in their position they shall not violate the laws, they shall obey the laws as they are made, but they reserve for themselves the right to criticise those policies and to express an opinion on them.

By Assemblyman Rowe:

Q. I didn't quite get what you stated about invasion; what constituted your interpretation of invasion? A. Actual invasion of the country.

Q. Then you as a Socialist would approve provision for moneys for repelling an invasion? A. As a Socialist I would do more

than that, I would take up arms and ask all the working people to take up arms in its defense.

By Assemblyman Evans:

Q. If it was reasonably to be expected an invasion was coming within a year or less or more, do you think that the country would be justified in preparing for such an invasion? A. Here is where our difference and policy comes in.

Mr. Hillquit.— Why don't you first answer — if you reasonably expected an invasion to take place.

The Witness.— Yes, I would.

By the Chairman:

Q. This anti-enlistment league was a combination of people operating in Brooklyn at that time to oppose enlistment; I suppose that is what it was for, wasn't it? A. I don't know just what its official object would be.

Mr. Conboy.— You don't know what the official object of signing the pledge was?

The Witness.— How it could be summarized in one sentence.

Q. I just wanted information. A. Let me say, Mr. Chairman, at that time there was no law prohibiting anyone expressing an opinion on the question of enlistment.

By Mr. Conboy:

Q. There was no law that either compelled you to enlist or compelled you to refrain from enlistment? A. No, there was no such law.

Q. But you had taken an oath to support and defend the Constitution and laws of the United States against all enemies, foreign and domestic? A. That is correct.

Q. And the thing we have been directing your attention to was notwithstanding that oath which you had taken two years before you, in 1916, took a pledge that you would not enlist as a volunteer for services in international war, offensive or defensive? A. Mr. Conboy, with the supreme conviction that my attitude then did not and does not violate my constitutional oath to defend the country from either internal or external enemies.

By Assemblyman Evans:

Q. Mr. Waldman, you said that in case of invasion or reasonably anticipated invasion, you would favor the use of arms to repel invasion? A. Yes.

Q. Now, who do you think should be charged with the responsibility of determining whether or not an invasion was reasonably anticipated? Do you think the existing government or administration, you so wish to call it, should be charged with that responsibility, or any political party should assume that responsibility and determine to act upon that assumption? A. Why, I believe that those who are placed in charge of the administration of the government by the people of the country are those who should determine whether such a condition exists.

Q. And if the administration determines that an invasion is reasonably to be anticipated, do you think any political party has the right not to support the government? A. I think any political party differing with that conviction should submit to the laws made by the people; but at the same time advocate its own convictions, if it has any, on the subject.

By Assemblyman Everett:

Q. If you intended to live up to the pledge of your constitutional oath, why did you find it necessary to take this other one? A. Which one?

Q. This one (indicating). A. That was no oath, Mr. Everett.

Q. As an American citizen, when you were naturalized, you took an oath? A. Yes.

Q. Why did you find it necessary to supplement it with this, if you were going to defend your country? A. My dear Mr. Everett this pledge was not intended to supplement the oath I took upon my naturalization. This oath was an independent act, made at a time when certain political conditions existed in the country, where two sides honestly differed on what the interest of the United States demanded.

Mr. Hillquit.— You said, “ This oath.” You meant, “ This pledge ” ?

The Witness.— Yes.

Mr. Sutherland.— Let the record show that Mr. Everett was referring to Exhibit No. 88.

The Witness.—At the time I speak of there was an honest difference of opinion between two sides, one led by our ex-President, Theodore Roosevelt; the other was led by Mr. Bryan, who was opposed to wars and preparedness; and in these two different schools of thought as to which policy was to the best interests of the United States, I sided with the one taken by Mr. William Jennings Bryan.

By Assemblyman Everett:

Q. Well, did you consider that the second oath interfered in any shape with your constitutional oath?

The Chairman.—Pledge.

The Witness.—It was not an oath. It was a pledge.

Q. We will treat it as a pledge. A. There is quite a difference. That second pledge, according to my conviction, did not interfere with my duties as a citizen of the republic and with my oath to protect and defend the Constitution of the United States and of the State.

Q. Then in connection with that, let me call your attention to a statement that was made a great many years ago, that man was made up-right, but he sought out many inventions. A. I do not quite get that, I must confess.

Q. Well, that will bear a little study? A. I shall promise to study it carefully.

By Assemblyman Blodgett:

Q. Mr. Waldman, you accepted without prejudice the minority report of the Chicago Convention, although you differed with it, because you believed you should bow to the will of the majority; is that true? A. I will put it this way: I opposed, in fact, the minority report; but I accepted it because I believe in majority rule.

Q. And you understand our government is a government based upon the will of the majority? A. Yes.

Q. Then you did not feel any obligation to bow to the will of the majority of our country, who had voted for war, and assist the government in the prosecution of the war? A. I did feel it my obligation to obey the will of the majority before war was declared, as well as after war was declared; and I was willing to comply with every law that the majority had enacted, whether I agreed with it or not; but in compliance with the law, I never

forfeited my rights to express my opinion as to whether that law is a good law or a bad one.

Q. Nevertheless you did feel that at this particular time the obligation was upon yourself personally to protest against the will of the majority? A. I consider the obligation of every citizen to be a sacred one, when he is convinced that the majority policy is not a correct one, to point out wherein the majority policy is not correct; at the same time, to be certain to submit to the majority rule.

Assemblyman Blodgett.— But you didn't take that obligation on this with reference to the minority report at Chicago?

The Witness.— I did. I opposed the minority report.

Mr. Hillquit.— Did you criticise it?

The Witness.— I did criticise it.

Assemblyman Blodgett.— But you opposed the will of the majority of our country after its adoption with reference to the war?

The Witness.— I did not. I submitted to the will of the majority, reserving to myself the right to criticise, just as I accept the will of the majority of our party, at the same time reserving to myself the right to criticise.

Assemblyman Blodgett.— But you voted against war appropriations?

The Witness.— I am not aware that this Assembly makes war appropriations.

Assemblyman Blodgett.— With reference to military affairs.

The Witness.— I voted against appropriations for military affairs because I believed that the State in the first place should not make it a permanent public policy to establish permanent military training for the children in our schools for various reasons, and as a member of the Legislature, I take this position, that our modern economic system subdivides the duties and the functions of the workers to such minute functions that we become uniform; we crush individuality in the process of carrying on our task.

Assemblyman Blodgett.— You have already answered my question.

The Witness (continuing): Our economic order is such as to establish uniformity among our people. I believe it is the duty of our educational institutions to offset that by seeking to develop the individuality in all persons. By militarizing our schools we only add one more force which would compel the people of the country or the State to think alike, dress alike, walk alike, obey alike, and I believe there is no greater danger to the progress and civilization of our State than this uniformity which we seek to establish for our people. My opinion is that the progress of our State, the welfare of our civilization, depends upon the development of each individual to the utmost capacity.

By Mr. Conboy:

Q. You believe every individual under the State should have the greatest opportunity for individual and personal expression?

A. I think for the welfare of the State.

Q. For the welfare of the State, that he shouldn't be trammelled by laws which interfere with his legitimate individual and personal expression? A. No, sir, not that way.

Q. You don't think that way? A. Not that way.

Q. I was wondering if you did? A. My point is, that the laws ought to be so framed as to give an opportunity to the individual to find self-expression.

Q. Somewhat on the principle of the construction of the Russian Social Federated Soviet Republic? A. I wouldn't put it in that blank form.

Q. Well, would you indicate that you accept the statement as being a correct exposition of your views on what the ideal character or the near ideal character of a governmental organization should be? A. I do not.

Q. Do you prefer the government of the State of New York to the Soviet Government of Russia? A. By all means.

Q. Good.

The Chairman.—I would like to ask a question in this connection. Now, the Anti-Enlistment League, did it have an office on Quincy street in Brooklyn? A. I don't know, Mr. Chairman.

The Chairman.—Who was Jessie Wallace Huhén?

The Witness.—I understand she was a high school teacher somewhere in Brooklyn.

The Chairman.— Engaged at that time in trying to prevent boys from enlisting?

The Witness.— I know that she circulated this pledge.

The Chairman.— Who was Miss Migatt?

The Witness.— She is a lady who was active in liberal circles. I cannot describe her in any particular way.

The Chairman.— What was she doing about enlistment?

The Witness.— She and Miss Huhon were the two circulating this pledge.

The Chairman.— Do you know where they had an office or anything?

The Witness.— I do not.

The Chairman.— Were they pretty active in Brooklyn?

The Witness.— I couldn't say that.

The Chairman.— This is, as you say, in 1916?

The Witness.— In the early part.

The Chairman.— We declared war April 6, 1917.

Mr. Hillquit.— This is a year later.

The Chairman.— Did you send a card in to them?

The Witness.— All I remember is that this was circulated. They handed it to me and I signed it and they took it away.

The Chairman.— You read it over?

The Witness.— I didn't recall when it was offered that I had ever seen such a thing.

Assemblyman Pellet.— You stated you believed in the will of the majority but reserved the right to express your own opinion?

The Witness.— Yes, sir.

Assemblyman Pellet.— Now, I would like to ask if, at any time, you ever expressed any opinion unfavorable to the minority report of the Chicago convention?

The Witness.— I have, Mr. Pellet.

Assemblyman Pellet.— Have you got any instances where you expressed such an opinion?

The Witness.— Yes, in my own local. When they came and told me that the resolutions were being voted on; I was ill that night, and they asked me, shall we reserve a ballot for you, and I said I don't care to vote for either.

Assemblyman Pellet.— Did you ever criticise it after that time?

The Witness.— That was subsequent to the voting on it by our local.

Assemblyman Pellet.— That was the only time you criticised it?

The Witness.— That was the only time I ever had an opportunity to criticise it. I did so every time an opportunity presented itself on that point.

By Mr. Conboy:

Q. You just told Mr. Pellet that you have spoken against this minority report. You told me that you preferred the government of the State of New York to the government of the Soviet Russia?

A. For the State of New York, yes.

Q. For the State of New York? A. For the State of New York.

Assemblyman Evans.— I think what Mr. Conboy meant was whether you approved of the government of the State of New York as against the Soviet government?

The Witness.— For myself, I approve the form of government of the State of New York in preference to the Soviet government for the State, of course.

By Mr. Conboy:

Q. Have you ever said that in any public statement that you made?

The Witness.— Yes, sir, in at least a dozen speeches and in one lecture particularly which I repeated about ten or twelve times before many organizations, and I stated yesterday that there was a representative of the Lusk Committee and the Department of Jus-

tice at one point, particularly, because they came over and congratulated me. The subject was, "Bolshevism in America," and I pointed out there, comparing the two institutions, comparing the historic and economic situations in both countries and showing that the Soviet form of government is not applicable to the conditions in the United States, this was at the time, particularly, of the controversy when I was called upon to lecture.

Assemblyman Evans.—Is that speech in evidence?

The Witness.—That is not offered. I have not a written speech. I lectured from notes.

By Mr. Conboy:

Q. We have not been provided with any such statement so far as — A. I am awfully sorry.

Q. So far as I am informed, but we have been provided with a speech where, if I may say so, your views appear to have been in conflict with those views you have just expressed because in Exhibit No. 30, which is a copy of the speech delivered by you on the 7th of November, 1919.

The Chairman.—What page is that?

Mr. Conboy.—The date is on page 30. The occasion was the second anniversary of the Russian Soviet government. It was held at Brown's Labor Lyceum, Second street, Brooklyn. The stenographer who was present testified that he has made a correct transcript of the stenographic notes, and that he reported you correctly. Portions of it were read to you yesterday, and you said they were in substance correct, and in that speech on page 316 of the record you are reported as having said as follows: "If you (speaking to your audience) comrades, on the birthday of the Russian Revolution, if you revere your Russian comrades, if you applaud Lenine and Trotzky, if you believe in the worthiness of their cause, in the accomplishment of their work, then it is your duty to enter the Socialist movement in America to make it more like Russia is today."

Now, that hardly seems to be in accord with the statement that you made to me that you approve for the State of New York the present existing form of government and disapprove the existing form of government in Russia, and you are reported in this speech as having said to your audience that if they wanted to do

the right thing on this occasion it was up to them to make this State or country more like Russia is today? A. This statement cannot stand alone, as my opinion on the question. Right preceding that statement I was discussing the proposition of those who do not work, live in luxury, and those millions who toil live in poverty, and it is in reference to that particular idea which I was discussing all the way through in the paragraphs preceding that, that I said you should make the United States more like Russia is today, but not that the United States be more like Russia is today in all particulars, or in the form of government. This was an economic question and not a governmental form or any other discussion.

Q. Well, you didn't distinguish in the slightest degree in this statement, did you, made with respect to economic or industrial or governmental forms? A. Yes, I have.

Q. Wait a minute. Let me finish my question. A. It was not my intention to interrupt.

Q. I know it. You said to them, "We must select"—you put it in the nature of a categorical imperative—"We must select between two alternatives: either Russia lives and conquers the world—not Russia conquers the world, but its ideals and philosophy worthy of the Russian government today"—that certainly is an encomium upon the Russian government as it is today? A. Is that a question?

Q. That is part of the question. Can you answer that; isn't that a compliment to the Russian government as it is today? A. I spoke of the ideal and philosophy.

Q. "Worthy of the Russian government today." A. Yes, the ideal and philosophy.

Q. "Should conquer the world"? A. Yes.

Q. "Either that or the ideas or the philosophy of Gary and Wilson and Palmer, Lloyd George and Clemenceau is to conquer the world"; and then you go on to say with the expression of your opinion upon the subject,— "Between the two, for my part, and for the part of thousands of Socialists now battling in America today, we choose to stand by the ideas and philosophy and program and principles of the Lenine and Trotzky as those we approve." Now, do you mean to say there that you intended to suggest in any fashion that it was the government of the State of New York that you approved for the State of New York, and not the government of Lenine and Trotzky? A. In this passage, Mr. Conboy,

I do not deal with the forms of government, or with concrete institutions. There I deal with the ideal and philosophy dominating one administration and the ideal and philosophy dominating another representative group and administration, and I say that between these two ideals and philosophies I prefer the other, instead of the one of Gary.

By Assemblyman Evans:

Q. Were you looking for votes when you made that speech?

A. Sir?

Q. Were you looking for votes when you made that speech?

A. I will say I made that speech after election.

By Assemblyman Rowe:

Q. What do you mean by that, "program and principles?"

A. What part are you referring to, Mr. Rowe?

Mr. Conboy.—Right in the last sentence of that speech I read to you: "The ideas and philosophy and program and principles of the Lenine and Trotzky."

The Witness.—I just referred, as you recollect, to all the paragraphs preceding where I discussed as to one group of people who do not own but live by the luxuries, and the other kind of people who live and work by poverty. This was the burden of almost half of the speech in the latter part, and all this has to do with that point, particularly with reference to the coal and steel strike which was then an issue before the workers.

By Mr. Conboy:

Q. Now, in that speech you not only refer to economic conditions, but you also refer to divorce conditions, don't you? A. I did, Mr. Conboy, somewhere in the middle of the speech.

Q. And you contrasted rather to the detriment of the existing legislation upon the subject the laws of the State of New York with those of the Soviet Republic? A. That was again a particular phase of our political and social life which I contrasted, just as I did in the last part.

Q. And that I take it also is a feature of governmental legislation upon which you take your stand with the Soviet Republic rather than with the government of the State of New York? A. Not quite so, Mr. Conboy. I will say this on the point, that the opinion that our divorce laws might undergo considerable change

is not only my opinion, but the opinion of an evergrowing minority, since they are not in the majority, on this point, in the State of New York, and Isaac Franklin Russell has a chapter on domestic law in his principles of law which may be an illumination in connection with my statement here.

Q. It may be — anything may illuminate it — but I am trying to find out what your language means. Now that is the explanation that you desire the Committee to have with respect to the statements you made in connection with your contrast of Russia today with the State of New York or the United States of America? A. I did not make a contrast between Russia and the United States, except discussing the decree on divorce issued by the Russian government and the divorce laws of the State of New York.

Q. Now, in the course of your direct examination yesterday you were interrogated about your attitude with respect to bills for military or militia appropriations in the Assembly, or the provisions of the Constitution in this State in this respect? A. That is so.

Q. You answered that if a bill for an appropriation for the constitutional force of ten thousand men was submitted to the Legislature, and in your judgment the appropriation was a reasonable one, you would vote for it? A. If I were made aware that under the Constitution it is the duty of a legislator, as a constitutional duty, to vote for that appropriation, and the appropriation is not excessive or extravagant, I would as a part of my constitutional duty do so.

Q. Now let's see how many qualifications there are in that statement; you would first have to be convinced that the Constitution bore no other construction than that it was your constitutional duty to vote for such an appropriation, would you? A. I would not have to be personally convinced, I would have to get a judicial interpretation.

Q. You would have to get a judicial interpretation? A. Yes.

Q. And until you got that judicial interpretation that it was your constitutional duty to vote for that appropriation you would not vote for it? A. I would take the position on that appropriation as I do on other military appropriations.

Q. And that position, taken upon all military appropriations, is that you are opposed to them? A. I am opposed to military appropriations.

Q. And that opposition to military appropriations, which you personally express, finds also expression in the Constitution of

the Socialist party of America, in article II, section 7, adopted in May, of 1915, immediately after the sinking of the Lusitania, does it not? A. I understand that the Constitution contains such a provision.

Q. And it was adopted, according to the pamphlet called "American Socialists in the War," in May of 1915, immediately after the sinking of the Lusitania? A. I have no comment on that point, Mr. Conboy.

Q. At page 3457 of the typewritten record yesterday, you are reported as having given this testimony — Mr. Hillquit at the time was directing your attention to what appeared to be a conflict, between the provisions of the Constitution of the State of New York, regarding appropriations for the constitutional militia force, and the provision of section 7 of article 2 of the Constitution, of the Socialist party of America which forbade under penalty of expulsion any member of the Socialist party from voting for an appropriation for military or naval purposes; and you answered the question with respect to which you would adhere to — if I have correctly quoted your language, and I think I have — that you presume, and you are certain that your party presumes as a political party, that all the provisions contained in the Constitution are legal and within the constitutional requirements of the State and the nation; that should it be shown that any provision of the Constitution is contrary to the Constitution of the State or nation, it is the duty of every member to construe the party constitution to come within the constitutional provisions of the State and the nation. Now, if the courts, on the assumption that you have stated, indicated that it was your constitutional duty as a member of the Legislature of this State, to vote for the maintenance of the constitutional militia force, you would have a direct opposition, then, would you not, between your constitutional duty under the Constitution of this State and your duty to the Socialist Party of America under the Constitution of that party? A. I would not, and I did explain that in my first answer. Should it be adjudicated that a provision in our Constitution of the party is contrary to the Constitution of the State or the National Constitution, or any provision of those Constitutions, the presumption that every one in the party must raise is that the provision in our party constitution must be so construed as to come within the judicial interpretation of the Constitution of the State and the Nation.

By Assemblyman Evans:

Q. You do not mean that, Mr. Waldman, do you? A. I mean that.

Q. I do not think you do.

Mr. Hillquit.—Will you kindly elucidate your doubt, Mr. Evans?

By Assemblyman Evans:

Q. In what you say do you think you could get a judicial determination as to a conflict between the Socialist Constitution and the Constitution of the State? A. I beg your pardon. I did not understand your question. The judicial interpretation could be on a certain constitutional duty of a member, or the meaning of a certain constitutional provision in the State or National Constitution. When that has been established, should there appear in the party constitution a provision which, in its language, is apparently in conflict with the State or National Constitution, the party provision must be so construed as to fall within the adjudicated provisions of the State or National Constitution.

By Mr. Hillquit:

Q. It must yield to the law? A. Yes, sir.

By Assemblyman Evans:

Q. Do you still think you understand the question? A. Yes.

By Mr. Conboy:

Q. Suppose we take up certain features of it: Now, up to the time that it is judicially determined—that this judicial determination that you have spoken of—is arrived at, is it your intention to oppose any appropriations for military purposes of this State? A. It is not my intention to oppose any military appropriations in this State, which are part of the constitutional creatures, part of the constitutional demand.

Q. You have spoken about securing a judicial determination on that subject. What are you going to do in the meantime, until the judicial determination is obtained; are you going to vote for militia appropriations or are you not? A. If I were told—

Q. By whom? A. By competent constitutional attorneys.

Q. Well, which competent constitutional attorneys? A. Competent constitutional attorneys in any part of the State of New York, not engaged in the prosecution of the five Assemblymen at

this time — that the Constitution of the State demands that I vote for military appropriations, I would vote for military appropriations, according to my constitutional duty, because the Constitution of my party is not contemplated to be contrary to the Constitution of the State or the Nation.

Q. Have you taken such constitutional competent opinion up to the present time? A. The occasion has not arisen where military appropriations, provided for under the Constitution, have been presented to us for a vote.

Q. Well, each year the State of New York has made provision under the Constitution for the maintenance of the State Militia, has it not? A. That provision was in connection with a general budget which contained a great number of distinctly objectionable appropriations, and no one in this House could separate the military appropriations from the rest of the budget. And may I add —

Mr. Conboy —

Q. You may add anything you like. A. — that in every one of my bills, where the legislation, I thought, might come in conflict in whatever shape or form with the Constitution, I made provision against that, in accordance with the Constitution.

Q. Well, whether included in one bill with other things, or made the subject of a separate bill, it nevertheless is the fact, is it not, Mr. Waldman, that the Legislature of this State has made appropriation each year for the constitutional militia bodies? A. Not as a separate item.

By Mr. Hillquit:

Q. By a separate bill. A. By a separate bill.

By Mr. Conboy:

Q. I ask you whether, in the form of a separate bill, or in the form of a bill in which other things were included, it has done that, has it not? A. It has.

Q. And up to the present time you have not made up your mind, or obtained any constitutional opinion, as to whether it is or is not your duty to vote for appropriations for the militia of this State? A. I have not, Mr. Conboy.

Q. So that you cannot tell us today what your attitude is with respect to that particular feature of the Constitution, can you? A. Now that the question is raised, the likelihood is that when I get back to the chamber I shall ascertain whether it is my con-

stitutional duty to so vote, and if it is, I shall so vote; but never will I vote for such appropriation when it is coupled with a budget, which, in its entirety, for the greater part I disagree with or disapprove of.

Q. Now, let us assume that you, in the happy contingency to which you have referred, ascertain that it is your constitutional duty to vote for an appropriation for the militia of this State, would you then vote for the militia? A. If it is not excessive, in my judgment, yes.

Q. That is, if it is within your constitutional duty and it is reasonable in your judgment, you would vote for it? A. I would, Mr. Conboy.

Q. And I assume that your colleagues would do the same? A. I do assume that from my general interpretation of our constitutional provisions.

Q. Well, then, you would come in conflict with the direct prohibition contained in your national constitution, would you not? A. I would not, Mr. Conboy.

Q. Because your national constitution contains this provision: "Any member of the Socialist Party, elected to an office, who shall in any way vote to appropriate moneys for military or naval purposes, or war, shall be expelled from the party." That would be an appropriation for military purposes, would it not? A. It would.

Q. And a vote for an appropriation for military purposes, under this provision of the constitution, would subject you to expulsion from the party, would it not? A. It would not.

Q. It would not? A. No.

Q. That language, in your judgment, does not mean what it says? A. No, sir; it means this: That this language must be construed as a provision of the constitution which must yield and fall within the Constitution of the State and the nation.

Q. Well, now, you do not find anything in this constitution to that effect, do you?

Mr. Block.—Subordinate, is what you mean?

The Witness.—Yes. I do not use legal terms.

By Mr. Conboy:

Q. This provision of the Socialist Party platform — of the Socialist Party of America — is not ambiguous in any way, is it? A. It is not.

Q. The language is plain? A. Absolutely so.

Q. And can be easily understood? A. It can be understood in the terms that it is a provision of a legal political party and not of a conspiracy or illegal body.

Q. Now without passing any opinion upon what the character of the Socialist Party of America is under your later characterization, it is the fact, isn't it, that if there were not this constitutional provision in the Constitution of the State of New York you would be required to say under the provisions of the Socialist's Constitution of America that you would be prohibited from voting for a militia bill under penalty of being expelled from the Socialist Party? A. The Socialist Party makes it a policy to oppose military appropriations.

Q. And it makes that policy in the shape of a definite prohibition contained in its constitution subjecting the member of the party in a legislative body who votes in violation of that prohibition to the penalty of expulsion? A. That is the provision in the constitution.

Q. So that I say to you if there were not this provision in the Constitution of the State of New York, and a militia bill came before the Assembly of which you were a member, you would be required under the provisions of this section of the constitution of the Socialist Party of America to vote against it? A. I would vote against it if it is not my constitutional obligation.

Q. So if it is not your constitutional obligation you would vote against it? A. I would, Mr. Conboy.

Q. So, on their face, these two provisions, one in the Constitution of the State of New York, and the other in the constitution of the Socialist Party of America, are in conflict, aren't they? A. They are not.

Q. On their face? A. They are not.

Q. Now, taking your own explanation, where do you find in the Socialist Party's Constitution that where a provision of any law or any constitution of the State or nation is in conflict with the Socialist Party's Constitution that the provision of the law of the State or nation is to be given superiority or paramountcy, where is that in your constitution? A. I do not find this provision in the constitution of the Socialist Party any more than I would find a sign on every man and woman's back saying I am not a criminal. I believe in the Constitution, I live under the laws and the Constitution. The Socialist Party is a regular political

party, according to the laws of the State and the nation,— runs campaigns, obeys the laws of election, sends members to the Legislature, participates in the regular work of society in a legal way, and is there any reason why it should put in its platform that it operates in accordance with the Constitution and the laws any more than the Democratic or Republican platforms should put such a provision in their constitution and in their platforms.

Q. Are you through? A. I am, Mr. Conboy.

Q. Now, do you know of any such provision as you have referred to in the Constitution of the Socialist Party of America or any of the State constitutions of the Socialist party, do you know of any such? A. The unwritten provision, yes. No written provision.

Q. Any reference in the constitution to the unwritten provision? A. Yes.

Q. Where? A. The entire spirit and practice of the Socialist party.

Q. Is that written in there any place? A. Written in the entire platform and constitution.

Q. Would you be good enough to show me where that is? A. I said it was an unwritten spirit, wherever a provision of the constitution is to create a legal political party, to operate under the laws of the State or nation.

Q. Now, directing your attention to the testimony, given by you yesterday at page 3458 of the typewritten record, you were asked this question: "Do you know of any single instance in which a member was expelled either from his local organization, or State organization, or national organization, for doing anything which the law or the Constitution of the State or the nation directed him to do," to which you answered "I do not know of any such case." Now, I call your attention in that connection to the following testimony given by the Hon. George R. Lunn, mayor of the city of Schenectady at page 355 of the printed record, as follows: "I retained as superintendent of water a very efficient engineer, who was a Republican. This was very antagonistic to the Socialist local. I appointed a Socialist who was enrolled but not a member of the dues-paying organization. To make a long story short, this was violently opposed and they threatened discipline, and I don't know whether they were ordered to discipline me from New York, but they made charges against me as violating the constitution, violating that part which I had repudiated before nomination. That being done, I was called to

New York, trying to harmonize things. The State committee were willing to pass over the appointment of the engineer to the water department, but they wanted me to discharge an enrolled Socialist who was not a dues-paying member for the reason that the local claimed that he had voted for other than the Socialist nominees in certain particular that he had not voted for the Socialist candidate for Assembly and they wanted him discharged. I refused to discharge him and the discipline was attempted in the way of throwing me out of the organization, but they could not get the necessary two-thirds vote, so the New York organization, in order to discipline me, took away the charter from local Schenectady and really fired the whole Schenectady contingent out and reorganized with those that would abide by the rules as regards control." Now, referring to the statement made by you and to the statement made by Mayor Lunn I wanted to ask you if you were not in this chamber at the time that Mr. Lunn made that statement under oath?

(Discussion off the record).

Q. He said yesterday he never knew of a case of that kind.

The Witness.— I am glad to answer that question.

Mr. Conboy.— I am merely asking if he was present at the time when Mr. Lunn gave his testimony.

The Witness.— The preface of that question was in view of my former statement.

Mr. Conboy.— Yes.

The Witness.— In view of my former statement, the statement Mayor Lunn made on this witness stand is not inconsistent with my former statement. The next part is, he was in this chamber and heard Mayor Lunn make this statement.

The Chairman.— Adjourned until 2 o'clock.

(Thereupon at 12:30 P. M. a recess was taken until 2 o'clock P. M.)

AFTER RECESS.

The Committee reconvened at 2:15 P. M.

By Mr. Conboy:

Q. You stated yesterday, Mr. Waldman, that you had complied with the selective service act? A. I didn't get that last part.

Q. You stated yesterday, Mr. Waldman, that you had complied with the selective service act? A. I had, sir.

Q. You registered under its provisions on the 5th of June, 1917? A. I did.

Q. What board? A. I don't remember.

Q. Where was it? A. They were sitting at the Y. M. C. A. on Third street between Second and Third avenue, Manhattan.

Q. Have you ever been called for physical examination? A. I have.

Q. Was that in the first draft? A. That was.

Q. Did you make claim for exemption? A. I did.

Q. On what ground? A. Conscientious.

Q. That is, you made claim for exemption from military service on the ground that you had conscientious objections? A. That is right.

Q. Now, what was the basis of your conscientious objections as expressed in your claim for exemption? A. I do not recollect that I stated anything on the application, or blank, as a basis for my conscientious objection.

Q. You had to state some ground, did you not? A. I do not believe that there was even room for the statement of ground.

Q. Well, you know that the only ground upon which you could claim exemption from the draft on the ground of conscientious objection, under the provisions of the act of May 18, 1917, known as the Selective Service Law, was that you were a member of some religious sect or organization, whose principles and creed, in existence on the 18th day of May, 1917, were opposed to the prosecution of war? A. I was not aware that this is the only ground under which one could claim exemption on conscientious grounds.

Q. Well, do you know now upon what ground you did claim exemption on the basis of conscientious objections? A. I do not recollect that I stated any ground. I might have.

Mr. Hillquit.— Mr. Conboy asked you the ground of your objection.

The Witness.— As stated on the blank?

Mr. Hillquit.— Read the question.

(Last question and answer read by reporter).

Mr. Conboy.— Mr. Hillquit asked the stenographer to read the question.

The Witness.— If the question is intended to ask me what the ground is, or the statement of conscientious objection, I should say that my convictions amounted to conscientious scruples against the taking of human life.

Q. Do you recall now whether you did or did not in the claim that you made state any reason in support of your claim for conscientious objection? A. I do not recall.

Q. Did you make the claim of conscientious objection upon the basis of your membership in the Socialist party of America. A. I did not.

Q. How do you know that, inasmuch as you state that you do not recall what the grounds were upon which you based your objection? A. I understood your question to be, did I make that as the basis of my statement for conscientious objection. My answer was, I did not.

Q. Did you state that you were a member of any religious sect or organization which was conscientiously opposed to the participation of its members in the war? A. I did not belong to any such religious organization.

Q. No, I did not say that you did; I asked you if you made your claim for exemption from military service on the ground that you were a member of any religious sect or organization whose principles forbade its members participating in war? A. I do not recollect having made such a statement.

Q. Do you swear that you did not? A. I could not swear either way.

Q. Were you assisted in the preparation of your claim for military exemption on the ground of conscientious objection? A. I was not.

Q. Did you prepare the claim yourself? A. I did.

Q. In what form did you prepare it? A. My recollection is that I filled out the blank that I was supposed to fill out on my registration in conformity with the Selective Draft Act.

Q. And the only recollection that you have on the subject is that in some form that was provided for the purpose you made a claim of exemption from military service upon the ground of conscientious objection? A. That is my recollection.

Q. You didn't, as a matter of fact, belong to any religious sect or organization whose members were prohibited by their principles from participating in the war, did you? A. I did not.

Q. During the year 1918 up until the 11th day of November that year when the Armistice was signed, the United States was continuously at war? A. Yes, sir.

Q. And there were practically all the resources of the country and all of its activities devoted to bringing that war to a successful termination. You know that, don't you? A. I should think that is a fair statement.

Q. And most of the inhabitants of the United States, men, women and children were engaged in the joint effort to bring the war to a successful termination, were they not? A. I believe so.

Q. The State of New York in which you resided sent a great many men to the war during that year? A. I understand that there was.

Q. And the City of New York in which you resided sent a great many men to the war during that year? A. That is correct.

Q. If I were to tell you that through the process of induction in the local boards there were sent from New York City alone 147,000 men; that there were in addition to that number carried upon the records of the local boards of New York city in the classification known as 5-D, persons already in the naval or military service of the United States, 45,000, and that of the 52,000 enlistment credits, 32,000 were allowed to New York city, making a grand total of men between the ages of 21 and 31, to the extent of 225,000, and in addition to that there were many thousands of men below the age of 21 and of the age above 31, who were in the federalized National Guard, in the regular army, navy and marine corps; you wouldn't have any hesitancy in adopting that statement? A. I believe you know the facts.

Q. So that the city of New York alone provided in that national emergency for the maintenance of the government of the United States in men in uniform nearly 300,000 men. You were not among them, were you, Mr. Waldman? A. No, sir.

Q. Now, in addition to these men who served the country in uniform in the army and navy of the United States there were a great many people who were engaged in other patriotic activities, weren't there? A. Yes, sir; that is so.

Q. There were Red Cross workers? A. There were.

Q. Did you engage in any form of Red Cross activity? A. No, sir.

Q. There were various other kinds of organizations, such as the Jewish Welfare Board, the Knights of Columbus, Y. M. C. A., War Camp Community Councils, Liberty Loan organizations, and

various other organizations of similar character, who were devoting the time and energy and money of their members to bringing the war to a successful termination. You know that to be a fact, do you not? A. That is a fact.

Q. Did you participate in any of these activities? A. I did in other activities that would tend to bring the war to a successful termination.

Q. Did you participate in any of the activities I have named? A. Not these you have enumerated, but others.

Q. Now, you just tell us, because I have attempted to exhaust the information I have with regard to the patriotic activities of the people of the State and the city of New York, in those emergencies—you tell us what activities you participated in during that period of time. A. Mr. Conboy, my conception of patriotic activity is not merely to participate in the Red Cross or to participate in the army or to participate in the navy. I consider every act and all the energy that a man can invest, or give, to his country or State, as being patriotic service. The question of the successful termination of the war—it is very likely that you and I differ as to the conception of successful termination of the war. My conception of the successful termination of the war was such as to dictate my policy in the following manner: I wanted the United States, together with all the democratic elements the world over, to terminate this war on a democratic basis. There could have been no greater success accruing to the name or the accomplishment of the United States than to end this war on the basis of democratic principles. Any other progress, no matter how much longer the war was carried on, no matter how many victories on the military fields, would have been won, could not possibly have been a successful termination in my judgment.

Q. Is that the answer you wish to give us? A. That is the answer I wish to give you to your question.

Assemblyman Harrington.—I thought the question was what he did.

Mr. Conboy.—I did ask him what he did, and I take it that he has given a very complete statement of what he did.

The Chairman.—Yes, there is an answer there.

Mr. Conboy.—Now, I have no more questions to ask him.

By the Chairman:

Q. Were you married? A. No, sir.

The Chairman.— That is all.

Mr. Sutherland.— May I be suffered a question or two?

The Chairman.— Yes.

By Mr. Sutherland:

Q. Are you a taxpayer, Mr. Waldman? A. I am as indirect taxes go.

Q. You pay taxes by paying your share of the high cost of living, do you mean? A. I do, Judge.

Q. But no tax directly paid to the tax gatherer? A. Well, I have not had such an opportunity as yet.

By Mr. Hillquit:

Q. Such income? A. Such income.

By Mr. Sutherland:

Q. I am interested in your career, Mr. Waldman, coming to the country as you did and advancing as you have told us. What was your course at Cooper Institute, a free course, or were you obliged to pay tuition there? A. Yes, sir, it was a free course.

Q. That institution was founded and endowed by Peter Cooper, was it not? A. That is correct, Judge.

Q. You know Peter Cooper's life history? A. Rather familiar with it.

Q. He as a young man had to begin as most of us did and perform manual labor, did he not? A. That is the history of Peter Cooper.

Q. And he acquired by honorable means, did he not, a fortune? A. I should say yes.

Q. You do not discredit the means by which Peter Cooper acquired a fortune out of which he founded and endowed the Cooper Institute? A. Not at all.

Q. Now do you think he could have done that if this country and its institutions are so hostile and unfriendly toward the working people as your declarations would seem to indicate — I mean your party declarations? A. I do not believe that our party declarations indicate that either the government or institutions are so hostile to the workers. I do believe that had Peter Cooper under a system of a Socialist arrangement of things not been able to acquire the fortune, and consequently not have been able to

endow an institution such as I have attended, and for which I am grateful, society would have provided educational institutions for the education of its children.

By Mr. Conboy:

Q. You have expressed your views with regard to the character of legislation and the methods of legislating in this House during the year 1918, and of the efforts of the Socialist Assemblymen; in connection with that explanation I direct your attention to the following from the speech made by Mr. Claessens, which will be found at page 238 of the printed record: "But we are going to the Assembly, and we will tell it to them. There are five of us. Charles Solomon is one. There are others and I will go myself into the bargain, and we will tell them something. But we won't waste as much time in the Assembly, comrades, talking to that bunch that sit there with stolen property sitting in their seats, but we will use our position with the Assembly and reach the Henry Dubs and speak to them, and I can assure you, comrades, we won't sleep one night when we are in Albany, but every night we will be speaking in Troy, Schenectady and Amsterdam. Everywhere around there, arousing the workers wherever we possibly can." Is that your conception of the duty of a man elected to the Assembly of the State of New York. A. I do not believe this is a statement of the conception Mr. Claessens has of the duty of a member of the Assembly of the State of New York.

Q. You have heard it testified to that that is a verbatim report of the speech? A. That is a statement by Mr. Claessens which, if I may be permitted to anticipate, the witness himself is the best qualified man to explain it and state what he meant. This statement told the people in a general and lucid way that one of the things that the Socialist members do as members of the House is either in the evenings or in the week ends go out in all districts in the State, in the territories represented to-day by Democrats and Republicans and tell those districts just of the legislation pending in the Legislature and the legislation introduced by the Socialist group. This has been a practice and many members of this House have been present at meetings in various cities where I personally in 1918 have addressed such meetings and the subjects of the addresses were invariably a discussion of the Socialist legislation and the legislation proposed by Democrats and Republicans.

Q. And who were these "Henry Dubbs" in Troy, Schenectady and Amsterdam? A. That is a humorous way by which I think

my friend and colleague Claessens has designated thousands of the workers who fail to appreciate their interest as workers and still foolishly vote for the parties that represent their employers, the Democrat and Republican parties.

Q. And what you are going to tell them, these "Henry Dubbs" is what is contained in your speech of November 7th, 1919, reported at page 316 of the record as follows: "In America the situation is reversed. The millions and millions who work are starved, and those who do not work, those few live on the luxuries of capital. Which do you prefer?" At which there were cries of "Russia." Is that the kind of language that you intend to address to these Henry Dubbs in Amsterdam, Schenectady and Troy? A. My answer was that inasmuch as that statement made by Claessens had reference to our speeches made while members of the Assembly in parts of the State represented by Democrats and Republicans, we would discuss the questions pending in the Legislature as we have done in the past.

The Chairman.— I was interested in the term.

Mr. Conboy.— Did you want to find out what "Henry Dub" is?

The Chairman.— I notice in the book containing a list of publications of the Rand School on Socialist literature there was a book entitled "Henry Dub", by somebody. That is a cartoon on some persons, isn't it?

The Witness.— That is correct. I meant to explain that there is a cartoonist by the name of Ryan Walker who makes daily or weekly cartoons entitled, "Henry Dub". That was a humorous reference to those cartoons.

Assemblyman Pellet.— They are published in the Call?

The Witness.— They are published in the Call and other papers.

Mr. Block.— They are a feature of the Call.

Assemblyman Pellet.— The best feature.

Assemblyman Blodgett.— I am interested in the bunch that sit here with stolen property.

The Witness.— I am not qualified to explain that.

The Chairman.— We don't take any particular interest in that. Might I ask as a matter of curiosity, what you were doing during the war period, that is, your occupation?

The Witness.— My occupation during the war period was, first, being a member of the House that year in the war, and it was just when I was elected. That was the beginning of the war and long before my term ended was the end of the war.

The Chairman.— I see. First of January, 1918, to first of January, 1919.

Mr. Hillquit.— Did you remain in the employ of the Public Service Commission until your term of office began as member of the Assembly?

The Witness.— I was.

The Chairman.— The war commenced in 1917, in April. Then you served in the Public Service as an employee of the Public Service up to the time you were elected and qualified as a member of the Assembly?

The Witness.— I was, sir; and I may add in connection with my Public Service work, at that time the Public Service Commission of the State of New York was asking that its men be placed in Class 3 because of the scarcity of engineers. One of us had to do the work of three or four men. I nevertheless did not put this down as an exemption against the draft. I rather state my conviction rather than avail myself of exemption on account of occupation.

The Chairman.— Was there ever a time that you recall going before the Judiciary Committee of the House and asking for a report on a bill or a hearing on a bill that you didn't receive attention and a chance for a hearing and consideration?

The Witness.— I don't recollect.

By the Chairman:

Q. I speak for the Judiciary Committee. A. I don't recollect that any of my bills went to the Judiciary Committee.

Q. Oh, I didn't know that.

Mr. Hillquit.— I suppose the Chairman meant not only your bills but Socialists generally.

The Witness.— The fact was that the members of the Socialist group as a rule would report to me and that is how I got my knowledge, that they were trying to get a hearing on their various bills.

The Chairman.— Do you recall several hearings were granted on resolutions?

The Witness.— That is true. And I may add, the Codes Committee which had quite a few of the Socialist bills referred to them had extensive hearings on most of them, and be it said to their credit, that most of the bills were reported out favorably to the House, and when re-committed by motion, Mr. Chairman, I want it perfectly clear for the record,— they were not re-committed to the Codes Committee, so if they died in the Committee it was not the responsibility of the Codes Committee.

The Chairman.— Proceed now.

Mr. Conboy.— I have nothing further.

Re-direct examination by Mr. Hillquit:

Q. Now, Mr. Waldman, you stated as far as the Codes Committee was concerned it acted favorably, or at any rate that attention to your bills was given and that if the bills died subsequently it was not the fault of the Codes Committee. Will you state as a general proposition in what way were the 73 out of the 74 Socialist bills disposed of? How did they happen to die, you express it?

Mr. Conboy.— Has he not explained that? I do not wish to cut off his inquiry, but has he not explained that on every single measure of the 74 for an entire day?

Mr. Hillquit.— I want him to generalize in one answer.

The Chairman.— What he says about it, in brief, was that a good many of them were reported out and they were afterwards referred back by resolution of the House and went to the Rules Committee and died there.

The Witness.— Yes, and also that only seven or eight bills out of the 74, most of which came from the Codes Committee, were reported out to the House at all. The rest died in Committee.

By Mr. Hillquit:

Q. Do you know of any lobbying against Socialist bills on the part of industrial or business interests in this State? A. I can say of one or two that came to my attention definitely: one was against the water power bill, the hydro-electric water power bill; the other was against giving the municipality power to take over the traction system in New York City and other public utilities. There were lobbies here maintained, one particularly by the Niagara Falls Power Company and the other by the New York traction interests.

Q. Now, Mr. Waldman, a few personal references have been made to you in the course of your cross-examination which I should like you to clear up, briefly; in going over your career Mr. Conboy, I believe, asked you whether or not you had been hampered by the government in your career, and the answer was no. I take that, that the inference was that you owed a debt of gratitude to this country and its institutions for having afforded you the opportunities which you have enjoyed; do you recognize that? A. I recognize that this country has afforded me opportunities for development and growth, for which I feel grateful, which I hope to compensate with the only power at my command, and that is the power to contribute my energy, my thought, my sincere abilities, such as I may have, to the constructive work of the State and the nation, and I will say that while some of the things that I may believe in as being a contribution to the State may not be approved by others, I believe when I speak of the country, when I speak of the United States, I do not have in mind the dominant economic interests of the United States; I have in mind the great masses of the people; I have in mind certain historic institutions; and, from the point of view of serving the great mass of people, I will say this, without fear of contradiction, that I have put in every possible energy and ability at my command to the service of the great mass of the American people. If I have not done my duty fully, it was only because I was not able to do any more.

Q. Mr. Waldman, I take it you came from Ukrania to the United States because you thought the economic opportunities and political institutions of the United States superior to those prevailing in Ukrania or Russia at the time? A. I was under that conception.

Q. And you have not been disappointed since your arrival? A. I have not.

Q. You still admit the superiority of the economic opportunities and political institutions to those that exist in the country of your birth? A. I do.

Q. And you say you feel grateful to the United States? A. I do.

Q. And your conception of the United States is formed, or was formed by your own study and observations? A. It was.

Q. And your conception of the interests of the United States, while they probably do not agree with those, say, of Mr. Conboy or other gentlemen, are convictions sincerely held by you, are they? A. They are.

Q. And it is based upon these sincere convictions that your activities have been extended in the years of your residence in the United States? A. That is correct.

By Assemblyman Harrington:

Q. On your conception of the United States, Mr. Waldman, which do you desire to see over the Speaker's chair, the flag of this government, the stars and stripes or the red flag? A. I would like to see the flag of the country maintained and the ideals for which the flag stands, liberty, fraternity and brotherhood, maintained to the fullest extent, in the country of my adoption.

Q. Then why do you use the red flag? A. The red flag is a flag that symbolizes an international brotherhood of man, but the fact that the red flag symbolizes the international brotherhood of man does not do away with the flag existing in each nation as part of that Internationale.

Q. The stars and stripes are a part of the red flag, are they? A. The stars and stripes represent the American idea and symbol of American historic achievement.

By Mr. Hillquit:

Q. Mr. Waldman, coming back from symbolism to more concrete propositions; you recognize the existence of the United States as a separate nation, do you not? A. Why, of course I do.

Q. And do you, or does your party, seek to destroy the United States as a separate nation? A. It does not.

Q. And do you, on the other hand, seek to develop, within your best power, the prosperity, wealth and happiness of the people of the United States? A. That is my conviction as a Socialist.

Q. And does that exclude the effort, or endeavor to secure, at the same time, the wellbeing and brotherly relations of all nations and peoples of all nations? A. I think that the prosperity and

the welfare of a nation such as the United States would only be enhanced by the prosperity and welfare of other nations of the world.

Q. And it is in this sense that you see no antagonism between the symbol — flag or otherwise — of the United States and the symbol of international socialism or international brotherhood?

A. That is the sense in which I see it.

Q. Now, I will ask you, Mr. Waldman: Do you know whether or not there are expressed in the politics, literature and public life of this country different conceptions as to the requirements and the welfare of the country? A. There are.

Q. And in your conception are the ideas, or ideals, or happiness and welfare of the country entertained say by our large commercial and industrial interests the same as those entertained by the masses of the working people? A. They are not.

Q. And between the two conflicting ideals, or conceptions, which do you adopt for your own? A. I adopt the ideas and philosophy dominating the working classes in this country.

Q. Do you, or does the Socialist party, arrogate to themselves the right to pass final political judgment upon the views of their adversaries in the sense of claiming the right to suppress such views if you do not agree with them? A. The Socialist party does not attempt anything of the kind.

Q. Do you, or does the Socialist party, admit the right of other groups in the United States — industrial, political or social — to ascertain the superiority of their views of the welfare of the country to the extent of suppressing socialist views? A. The socialists do not, and the only way a democracy could exist is by permitting the conflicting views to stand side by side; to argue before the people, and the minority to have an opportunity and the freedom to advocate its views, so that it may, if the people adopt its views, become the majority.

Q. Now, you were asked about your attitude towards the government and institutions of this country. Among others, you were asked whether you considered the government of this country capitalistic, and your answer was, I believe, "Not entirely," or "not quite so." A. Not quite.

Q. Will you please explain that answer? A. I want to make this answer clear, if I can, in the following manner: "Capitalistic" is not a descriptive word of a government. To say that the government is capitalistic is not expressive of anything.

This is true, I believe; that the government today is administered by political parties, who believe in the maintenance of the capitalist system; but that does not make the government the instrument of social organization — a capitalist instrument. The government of the United States is a representative government. This instrument must be separated from those who temporarily administer and use it at a particular time. I believe that this government could be administered by a party which does not believe in capitalism; which believes in Socialism, or a plain labor program; and in that respect you could not then describe it as a Socialist government. It would still be the government of the United States, administered by the Socialist party. In that respect I could not answer the question whether it was a capitalist government or not a capitalist government. It is not a capitalist government because “capitalist” is not descriptive of the government.

Q. Mr. Waldman, to make it more complete: you know, do you not, that this legislative branch of the State of New York today is controlled by a political party known as the Republican party? A. It is so.

Q. Would you then say that the government of the State of New York is the government of the Republican party? A. I would not.

Q. Would you say that the government of the State of New York is the joint government of the Republican and Democratic parties? A. Certainly not.

Q. You say the government of the State of New York is the peoples government? A. That is correct.

Q. And is actually operated by such representatives — at least in theory — of the people as the people choose to entrust with that task? A. In practice, up to this year.

Q. Then I will ask you, Mr. Waldman, whether in your conception, the minority party is as much a part of the government, or of the governmental institutions of this country, as the majority party? A. That is correct.

Q. Government being based on the rights both of majorities and minorities? A. That is so.

Q. Would you admit that, at the same time, as far as the majority party is concerned, its power — if not its abstract rights — are superior to those of the minority? A. That is so.

Q. And that does not conflict, does it, with your statement

that the minority in all democracies must bow to the concrete will and enactment of the majority? A. That is correct.

Q. Mr. Waldman, you have stated that you are a member of the Socialist party? A. That is so.

Q. And do you freely and fully accept the main policies and attitude of the Socialist party? A. I accept the main policies and attitude and program of the Socialist party.

Q. And I believe you have also stated, in reply to a question of a member of the Committee, that you reserved to yourself the right to criticise party policies and to move for their repeal or amendment after they had been enacted? A. That is the only way a Democratic country could operate.

Q. Now, I will ask you; do you, as a whole, adopt the attitude of the Socialist party in opposition to wars among nations, and to this particular war just closed? A. I do.

Q. Do you adopt the action of the Socialist party in opposition to the capitalist system? A. Very emphatically so.

Q. And to the capitalist interests? A. Very emphatically so.

Q. The capitalist political and ethical and economic conception? A. Yes.

Q. And the opposition against the Republican party? A. And the Democratic party.

Q. I was coming to that, do not fear. A. I do oppose both of them.

Q. And when Mr. Conboy asked you a string of a great many questions representing the views of the Democratic or Republican parties, or the propriety of certain Socialist standings, you answered in each case that you disagreed with him? A. That is correct.

Q. Was it anything you had just discovered, Mr. Waldman? A. No.

Q. Was that the same stand of the Socialist party against the other parties ever since the inception of the party? A. Ever since the inception of the party and ever since I joined it.

Q. And was it the same view which you and other Socialists held when you were first elected to the assembly? A. Yes, sir, and this view expressed before many constituencies which I had the honor to represent in 1918.

Q. And were they the same views expressed by Socialists all over the country? A. That is so.

Q. In all states of the union? A. That is correct.

Q. And at the time of their election in all parts of the country to various public offices? A. That is the function of an opposition party — to oppose the party which it opposes.

Q. Mr. Conboy also referred to the oath taken by you upon your naturalization, and examined you with reference to it; have you carefully studied that oath? A. I carefully did.

Q. I shall read it to you again and ask you whether or not your general social and political attitude, in your opinion, in any way conflicts with any part of that oath? A. None at all.

Q. Let's take it up: "I solemnly declare upon oath that I will support the Constitution of the United States, and I do absolutely and entirely renounce and adjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, particularly to the Czar of Russia, of which"—I suppose of which is I—"was before a citizen," and I will ask you whether in your private conduct or official acts you have at any time knowingly refused to support the Constitution of the United States? A. I never refused to support the Constitution of the United States and in all my acts, private or public, I sought to live up faithfully to my constitutional oath, being a citizen loyal to my constitutional duties of the country of my adoption.

Q. Mr. Waldman, have you ever read the Constitution of the United States? A. I have, several times.

Q. You know its provisions? A. In a general way.

Q. You don't, I take it, consider the document as absolutely infallible and good for all times and not subject to change or amendment? A. I do not; and the same Constitution does not consider itself infallible and good for all times, because it contains a provision for its own modification and change.

Q. But while the Constitution is as it is, is it your purpose and intention to comply with all its provisions? A. It is.

Q. And do you know of any provision contained therein with which you cannot, by reason of your political views as here expressed or otherwise, comply with it? A. I know of none.

Q. Have you in actual fact fully renounced your allegiance to not only the Czar of Russia, but to Russia or Ukrania, as organized to-day? A. I renounced my allegiance not only to the Czar but all governments succeeding the Czar, or to any other foreign country.

Q. Do you as a citizen of the United States recognize a divided allegiance between this country and any other country? A. I do not recognize any divided allegiance.

Q. And your political allegiance as a whole goes to what country? A. Goes to the country of my adoption, the United States of America.

Q. And you further say, that "I will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true allegiance to the same." In your conception who and what are the enemies, foreign and domestic, of the United States?

Mr. Berger.—Have you read that accurately? I think there is a word you left out.

Mr. Hillquit.—I have read it as I read it in the record: "that I will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same."

Mr. Berger.—That is correct now.

By Mr. Hillquit:

Q. I ask you, who do you consider the enemies, foreign and domestic, of the United States. A. Those within and without the country who, by their conduct, by their acts, so act as to undermine and destroy in an illegal and unconstitutional manner the institutions of this Republic.

Q. Would you name some classes and concrete instances, say, of domestic enemies? A. I would in a general way, without impugning the motives of the men comprising the class which I shall mention. I consider the growth and development of trustified industry or monopoly of wealth so dangerous and menacing to the institutions of the Republic that advertently or inadvertently those who maintain such trusts and monopolies and syndicates and the invisible empire of finance, as Mr. Littleton would put it if he were on the other side, such people are to my mind enemies from within.

Q. Domestic? A. Domestic enemies.

Q. Coming to foreign enemies, your attitude towards the war just closed and towards the enemies of the United States in that war has been made a subject of your cross examination. Will you briefly state, very brief, first, what was your attitude and the attitude of the Socialist party before we entered the war? A. The attitude of the Socialist party before we entered the war was that this World War should terminate by negotiation.

Q. Before we entered the war? A. Before we entered the war.

Q. And were the Socialists opposed to the entry of the United States in the war? A. They were.

Q. And were you? A. I was.

Q. And after this country did enter the war what was the concrete attitude of the Socialist Party and your own towards the war? A. The policy of the party and myself in agreement with it was opposition to the war, demanding that the administration jointly with the democratic elements the world over conclude the war as early as possible on democratic lines ensuring world peace.

Q. Now, Mr. Waldman, when you speak of opposition before our country entered the war, you mean an effort to prevent our country from entering the war, political efforts? A. Yes. It was an effort to urge upon the President, by petition, mass meetings and in other manners provided by peaceful and legal means to urge upon the President not to enter the war.

Q. And after we entered the war when you spoke of opposition, does it mean opposition to continuing the war in favor of making peace? A. That is the attitude.

Assemblyman Rowe.— Even though they killed our citizens on the seas and other places?

The Witness.— No, not even though they do that.

Q. If peace were made, would it presuppose that our citizens would be killed on the seas? A. No, if peace were made it would presuppose it would be saving the lives of our citizens.

Q. Assuming, Mr. Waldman, this situation, that a negotiated peace was physically impossible; that for some reason and because of some superior forces the war had to be fought to a conclusion, so that there would have to be one victorious party and one defeated party; which side would you or the Socialist party want to be the victor in the war? A. Without question, the United States.

Q. And the Allied side? A. And the Allied side, naturally.

Q. But you preferred a negotiated peace to such a victory? A. I thought that to be the sound policy in international affairs.

Q. And do you still hold this view? A. I still hold this view, with this addition, that every day that this world war continued, the world had undergone the danger of so injuring itself by the destruction of human life and the resulting biological deterioration that civilization itself stood in danger of being destroyed;

every day of the continuation of the war may have meant an irreparable injury to the entire civilized world.

Q. Now, Mr. Waldman, proceeding further along the line of personal questions, you stated, I believe, that you knew very little about this anti-enlistment organization that circulated those slips, one of which you signed? A. That is correct.

Q. You say that was done at the time when there was a strong preparedness campaign and a strong anti-preparedness campaign? A. That was the time.

Q. Were petitions and pledges of the opposite character at that time being circulated by the advocates of military preparedness? A. Yes, sir, they were.

Q. And, in both cases, was it considered a sort of demonstration of the popular inclination? That was the purpose of the circulation on both sides.

Q. Did you consider it perfectly legal and within your rights at the time to state that you would not voluntarily enlist in any way? A. I considered that to be the law at that time, that I had a right to do it.

Q. And when you read the phrase, "Wars, offensive or defensive," in that connection, did you interpret the word defensive as it was at that time generally interpreted in the Socialist movement? A. That was my interpretation.

Q. That is, considering that the present war or the war just classified was in any character, either offensive or defensive? A. That was the atmosphere under which we all labored.

Q. When you registered under the draft you say you claimed exemption on conscientious grounds? A. That is correct.

Q. Were those grounds individual to you, or were they what you considered Socialist party grounds? A. They were individual to me.

Q. And, did you submit to physical examination? A. I did.

Q. And regardless of the claim made by you, were you prepared in case you were accepted, to serve? A. I was, to comply with the law.

Q. And what happened upon your physical examination? A. I was discharged on physical examination.

Q. On physical grounds? A. On physical grounds.

Q. At the time you were so examined physically, did you know that you had a physical defect which would cause your rejection? A. I did not know that I had sufficient of a physical defect to cause the rejection.

Q. You submitted to physical examination in good faith? A. I did.

Q. Mr. Conboy has stated here that the City of New York provided nearly 300,000 men for the various armed forces of the United States in this war; he asked you whether you were among them, and your answer was no; I shall ask you whether you know whether any Socialists or Socialist party members were among those 300,000 men? A. Many of them.

Q. Do you know whether the proportion of Socialists in the armed forces of the United States was any less than that of Republicans or Democrats? A. Not at all so far as I know.

Q. So far as you know, Socialists registered as all other citizens? A. They have.

Q. And served in the same way? A. Yes, sir.

Q. Do you personally know of a great many instances of Socialist party members having gone to the front, across the ocean, and fought? A. I do.

Q. Do you know of any who died? A. I do.

Q. As a general proposition Socialists did not volunteer? A. As a general rule, they did not.

Q. The Socialist party attitude was opposed to war service? A. It was.

Q. But they did comply fully with the law and did their share fully? A. That is so.

Q. A remark of yours, Mr. Waldman, attributed to you on the floor of the Chicago convention in September, 1919, was here mentioned — I do not have the record — testified to by the opposition, one Harris of Milwaukee; do you recall that incident? A. I do.

Q. Will you please state whether the testimony of Mr. Harris on that point is correct?

Mr. Conboy.— You cannot ask him that question. You can ask him what he has to say about it, but you cannot have him characterize the testimony of any witness as correct or incorrect.

The Chairman.— Objection sustained.

Mr. Hillquit.— I withdraw it.

Q. What do you have to say about it, Mr. Waldman? A. I have to say that the Harris testimony was partly true and partly not. The situation was as follows: A resolution was reported out on the floor of the convention against universal military

training. Somebody made an amendment, adding a section to the resolution, which in effect was threatening. It said, If you, the dominant political parties, establish universal military training and give guns to all citizens, and train them how to shoot, they are going to turn the guns on you. That was the essence of an amendment offered. I considered this amendment foolish, infantile and not proper for any political party to adopt. I arose and moved to strike it out, and during the speech the supporter of his own amendment became very impatient with my speech, characterizing the amendment as I characterized it before you, and I told him in a jocular way, if you can prove to me they are going to turn the guns, I would be in favor of your amendment, but it is not true, it is foolish and cannot be so, and my position was sustained by the convention. The threatening clause was stricken out from the resolution.

Q. The object of your speech, then, Mr. Waldman, was to oppose the clause which you have described? A. Exactly.

Q. And it was a sort of moderating speech, which prevailed? A. Rather moderate.

Q. Did you say in the language here quoted, "If we knew we could sway the boys when they get guns to use them against the capitalist class I would be for universal military training"? A. I did not say it in those words.

Q. And did you say anything to convey the idea that if you had the power to use force against the dominant classes for the purpose of bringing about the Socialist regime, you would use it? A. This was not the purpose of my remarks.

Mr. Stedman.—Yes or no.

The Witness.—No, I did not.

Q. Is it your conception that the Socialist regime can be introduced by training guns against the capitalist class? A. It is not.

Q. Is there such a thing as training guns against a capitalist class? A. Not in my mind, not to my conception.

Q. When you speak of a capitalist class, do you mean a system? A. I mean a system, of course.

Q. Cannot be shot at? A. No.

Q. Nor can a system be shot into existence? A. Not exactly.

By Assemblyman Blodgett:

Q. What was this jocular remark; I didn't catch that? A. I said if you can prove to me what you say in your resolution, I

probably would be in favor of it, but you know you are infantile, and what you say there is not true. That was part of a long speech lasting for about 20 minutes, the burden of which was to strike out that part of the resolution which was threatening in its nature. The purpose of my speech and the purpose of my amendment was the very reverse of what this sentence standing alone seeks to convey.

Q. When you said if they could prove that, did you mean they could prove that they could shoot against the capitalist scheme or system? A. It was a loose way of leaving out a loose clause which I considered it to be, out of existence.

By Mr. Hillquit:

Q. You did not know at the time that this particular phrase would come up for analysis and discussion in this proceeding?

A. I did not.

Q. And you were a little jocular and not as careful as you would have been if you had thought the clause would have been taken seriously and noticed seriously? A. I would not, and if I knew it was going to stand alone, separate from the speech.

By Mr. Hillquit:

Q. You have heard here on the stand the testimony, I take it, of Mr. Lee? A. I have.

Q. And Mr. Hillquit? A. I have.

Q. And Mr. Branstetter? A. I have.

Q. And their interpretation of the aims and methods of the Socialist party? A. I heard all that.

Q. And do you accept them as representing your own views? A. I do.

Q. And is it in that light that you say you fully accept all the resolutions and standing of the Socialist party? A. It is in that light.

Mr. Hillquit.— That is all.

Re-cross examination by Mr. Conboy:

Q. What that man said at that convention was really not very much different from what was said in the war program of the Socialist party: "The only struggle which would justify the workers in taking up arms is the great struggle of the working class of the world to free itself from economic exploitation and

political oppression." You remember that language, do you not?

A. I remember that language, but what I said had absolutely nothing to do with this resolution.

Q. What the man said, whom you were debating with in that convention, was very much like that? A. And it was defeated on the floor.

Q. But this resolution and war program was carried? A. In 1917?

Q. 1917, when the United States was at war? A. Yes, you have got the testimony on that point.

Q. Yes. I offer in evidence as part of cross-examination of this witness, with respect to his explanation of so-called peaceful means, an editorial from the International Socialist Review of June, 1915, under the title, "When We Go to War," at page 753.

Mr. Hillquit.—I object to it very emphatically and strenuously, an editorial in some magazine which has been testified heretofore was published by private individuals for profit, and had nothing to do with the Socialist party, and—what was the date?

Mr. Conboy.—June, 1915.

Mr. Hillquit.—June, 1915, five years ago, with no connection of any kind with these Assemblymen or with the party.

Mr. Conboy.—I want to press this, if the Chair will hear me. We have had a great deal of testimony here from this particular witness regarding his views on peaceful means as characterizing the attitude of the Socialist party throughout the war. Now, here is the International Socialist Review in an editorial, and the International Socialist Review, according to the testimony on the record is a periodical owned and controlled wholly and exclusively by Socialists and Socialist locals—

Mr. Hillquit.—Pardon me, Mr. Conboy. The testimony is just the opposite. The statement is the contrary.

Mr. Conboy.—The only testimony I am aware of in the record is the statement made in the course of Mr. Collins' examination from the pages of the International Socialist Review, stating that the stockholders of the Charles H. Kerr Company publishing the International Socialist Review are individual Socialists and Socialist locals.

Mr. Hillquit.—Mr. Branstetter testified that this was one of the class of publications that had absolutely nothing to do with

the Socialist party, being published by private individuals for private profits and that this particular publication was barred from sale at Socialist meetings.

Mr. Conboy.— And the reading of this will show that in May, 1915, the proclamation with respect to the Lusitania adopted by the Socialist party, the proclamation with regard to the U-boat controversy and the proclamation of the war program referred to by the witness, are all in harmony with this statement issued as to what the program of the Socialist Party should be in the event we went to war.

Mr. Hillquit.— Well, what do you want it for. Why bring in something entirely immaterial and irrelevant?

Mr. Conboy.— I am going to submit it to the Chairman.

The Chairman.— I will receive it.

Assemblyman Evans.— I will dissent.

Mr. Hillquit.— And counsel, of course, desires to except.

(Mr. Conboy here read article from International Socialist Review, of June, 1915, which article was later ordered stricken from the record by the Chairman.)

By Mr. Conboy:

Q. Now, you have said that you advocate the form of government that we have here over the form of government that they have in Soviet Russia? A. Pardon me, what is the question in connection with this article?

Q. The question in connection with that is that that represents the views expressed in the International Socialist Review, in contrast to those that you expressed. A. May I get that article, please?

Q. Take it. (Chairman hands article to witness.)

Q. Do you want to say anything about it? A. Yes, I do, Mr. Conboy. (Witness examines article referred to.)

Mr. Hillquit.— May I inquire on what theory that is offered?

The Chairman.— That one witness swore it was connected up with the Socialistic organization, and then another witness said that it was not. Mr. Branstetter, the Secretary, disowned it; but he said that all these publications were not binding on the Socialist

Party for the reason that they passed a resolution that they would not be responsible for any of this literature that went out. That was one of his reasons.

Mr. Hillquit.— Those were two things.

The Chairman.— You cannot accuse me of not being generous. Therefore, I thought I would let it in.

Mr. Hillquit.— The two statements you make are two different statements relating to two different subjects. Mr. Collins, who did not even pretend to testify on personal knowledge, said that the Kerr Company was a Socialist concern; not a Socialist Party concern, but one composed of Socialists. Mr. Branstetter said the so-called Socialist publications are of three classes: one published by the party; second, by groups of party members not controlled by the party; third, published by individuals for private profit, over which the party had no control of any kind; and he mentioned specifically the Kerr Company and International Socialist Review as coming within the third group of publications by individuals for private profit, with no connection and under no control of the party; and I think he mentioned that as far as this particular publication was concerned, that it was barred from sale at Socialist meetings. Now, I think it would not be competent for counsel to quote this article against these Assemblymen.

The Chairman.— I get your idea. Now, the record may state that the publication introduced and received in evidence is received in evidence and is governed and qualified by the statement of Mr. Hillquit, whatever it was, and it may stand.

Mr. Wolff.— Mr. Chairman, may we add to that the fact that in the advertisement of this International Socialist Review there is quoted the following statement by Eugene V. Debs: "It gives me great pride and satisfaction" —

Mr. Hillquit. — One moment, before you read that.

The Chairman.— Let me see what it is. (Mr. Wolff indicates to Chairman the advertisement referred to.)

Mr. Hillquit.— It makes absolutely no difference.

The Chairman.— I will let it stand as it is. He says it is a good book, and I suppose it is. Proceed.

By Mr. Conboy:

Q. Do you want to say anything about that? A. Yes, I do.

Assemblyman Evans. — Mr. Chairman, I do not like to be misunderstood as to my reason for dissenting. I dissented on the ground that the only testimony connecting this with the Socialist Party is the testimony of Collins, which is purely hearsay; and against that we have affirmative evidence by Branstetter, which seems to be uncontradicted in this case.

(Discussion off the record).

By Mr. Conboy:

Q. Now, with respect to your expression of comparative approval of the form of government in this country and the form of government in Soviet Russia, I understand you have given your approval to the form of government in this country? A. I have.

Q. How do you reconcile that with your speech —

Mr. Hillquit.— This is not cross-examination.

The Chairman.— Oh, yes; I will let that go.

Mr. Hillquit. — My reason for objecting is this: we expect and hope to finish our case this week. We shall never be able to finish this week or next or any time, if the cross-examination goes on in this way. This question has already been asked.

Mr. Conboy. — At page 311 of the printed record (reading): "The Soviet form of government is a new form of Government. Heretofore, the function of government was recognized as being a jailer, a policeman, a tax collector, a military conscript, a war declarant; but industry and commerce, when it came to wages and hours, the government assumed a policy of indifference, to let things alone; but a new state has been founded, and it says to the world, that the function of the State is not to be the mere policeman, to be the jailer, and the judge and the tax collector and the conscript, but that the function of the state is to organize the industries, the wealth, the resources, human and material, for the purpose of establishing things as they should be." Now, do you say that is your method of expressing your comparative desire for the government of the United States and of the State of New York over the Soviet Government of Russia? A. Why, Mr. Conboy, I spoke there about functions of government and not forms of government. My conviction is that under the form of government

such as we live under, we can have it assume the various functions I indicated so as to make it as constructive and enterprising as we wish to, but the form of government is not at all mentioned in what you have read.

Mr. Conboy. — I have nothing further.

By Mr. Sutherland:

Q. I have three questions I want to ask: When did you first get a conception of this state of warfare between the capitalist class and the working class, — in Ukrainia or in America? A. Why, I got the conception, not as romantically as you put it, of the warfare between the capitalist class and the working class, but of the economic antagonism of interest, when I was working in a shop both here and in Ukrainia, in both places alike. When I asked for higher wages and the employer refused to give them to me I considered my antagonistic interest in that respect just the opposite from the economic interest of the employer. When I asked for shorter hours and he refused to give them to me, I considered my economic interest just the opposite from the economic interest of the employer. When I asked for safety devices around the cutting table, which were available, and the employer refused to give it, I recognized in that an incompatibility of economic interests.

(Discussion off the record.)

By Mr. Sutherland:

Q. I again ask you where you first got that conception, in Ukrainia or in America? A. I answered, Judge, — in both places.

Q. That is not an answer. I asked you where you first got that conception: in Ukrainia or America? A. I got it in both places. I originally found this condition to exist in Ukrainia.

Q. Very good. And has that conception that you brought over with you grown upon you in America? A. No, sir; it has not grown upon me; it has been confirmed that as far as the workers are concerned in all countries their economic interest is not the same as the economic interest of their employers, whether it be in China or Russia or Germany or England or the United States.

Q. Now, I have got one of those three questions answered. The second question is this: Do you join with your comrades in acclaiming Eugene V. Debs as the desirable exponent and candidate of your party for President in 1920?

Mr. Hillquit.— Yes or no.

The Witness.— Yes; unqualifiedly.

Mr. Hillquit.— Second question.

By Mr. Sutherland:

Q. If you have no divided allegiance but you are wholeheartedly and entirely for the United States Government, why do you need a red flag and why do you say with your comrades at the conclusion of the Manifesto of the September, 1919, Convention, "All hail to the International Socialist Revolution, the only hope of a suffering world"?

Mr. Hillquit.— Two questions. Do you need a red flag?

The Witness.— I do not, as a citizen of the United States.

By Mr. Sutherland:

Q. Now, this is the Block system of testifying.

The Chairman.— We will take a recess until 4:10.

(Whereupon, at 3:55 p. m., a recess was had until 4:10 p. m.)

AFTER RECESS, 4:10 P. M.

LOUIS WALDMAN, recalled, testified as follows:

By Assemblyman Evans:

Q. Mr. Waldman, you realize that among the charges made against you here some are for lack of Americanism and unpatriotic conduct in your refusal to support the war? A. I understood the charges in a general way are in that spirit.

Q. Is this the first accusation that has ever been made against you for that? A. This is.

Q. You were never accused by anybody else on similar charges? A. Never.

CHARLES SOLOMON, called as a witness and sworn, testified as follows:

Direct examination by Mr. Stedman:

Q. What is your name? A. Charles Solomon.

Q. Where and when were you born? A. I was born 30 years ago in the City of New York.

Q. Married or single? A. Married.

Q. Family? A. Three children.

Q. Where do you reside now? A. City of Brooklyn.

Q. Are you a Socialist? A. I am.

Q. How long have been one? A. About 10 years a member of the party.

Q. Are you a member now? A. I am.

Q. Where? A. In the City of Brooklyn, County of Kings.

Q. Local? A. County of Kings.

Q. You are one of the Assemblymen in this case? A. I am.

Q. In this proceeding? A. I am.

Q. You have been here during the time the testimony of various witnesses has been elicited? A. Yes, sir.

Q. I want to call your attention to the Brownsville speech, I think at page 404. Did you attend a meeting at Brownsville? A. A meeting.

Q. Yes. A. I attended many meetings in Brownsville.

Q. Do you recall the meeting testified to? A. I do.

Q. What were the circumstances there? A. It was a meeting called to commemorate the second anniversary of the Soviet Republic of Russia.

Q. Do you remember what you said at the meeting, in substance? A. I do.

Q. Who presided as Chairman? A. I presided as Chairman.

Q. And you introduced the speakers? A. I introduced the speakers.

Q. What did you say in substance in the opening? A. My opening remarks were intended to outline the tone, policy and purpose of the meeting. May I say here they were not produced here stenographically.

Mr. Stedman.— That I think the Committee will take note of that the stenographer testified he did not have.

The Witness.— I of course stated the purpose of the meeting but I was especially careful to make it clear that in this meeting the Socialist party was not committing itself to the form of government that prevailed in Russia; that it was not committing itself to any existing political party in Russia; that it was not committing itself to any program or any part of any program of any existing political party in Russia. I attempted to make it clear that it was the revolution that we were there to com-

memorate; that the revolution was bigger than the Bolsheviki, bigger than the Communist party, bigger than any political party in Russia or all political parties in Russia; that it was bigger than Lenine and Trotzky; that it was bigger than all the parties combined, and if it were not bigger than Lenine and Trotzky it would be a mighty small revolution indeed. That it was the revolution expressed through the efforts of the workers and peasants that we were there to commemorate and not to endorse any part or any program of any political party in Russia or to express our approval or disapproval of any individual or group of individuals in Russia.

Q. Did Mr. Waldman speak there at that time? A. He did. Those were the opening remarks.

Q. Were you there when Oneal spoke? And said, as an expert excerpt from his speech: "They would like to goad us into some conduct that would enable them to crush us, but we shall not play their game. We shall continue our efforts along peaceful, intelligent lines, knowing that in the last analysis that once we reach the heart, the brain, the conscience of the great master of the American people, come what will, gags, chains, jails, it cannot prevent us from transforming the United States into a general industrial democracy of Socialism. Was that stated by him? A. Substantially.

Q. Another point: "Every tremendous appeal in the world's history that has brought about new institutions; every great revolution, the French Revolution, the American Revolution, the Russian Revolution — all such revolutions have been accompanied with more or less violence, and it is impossible to dispense with it." Let me ask you if you recall that statement made by him? A. He said approximately those words.

Q. What did you say in reference to that, if you recall? A. To those specific words, or to the speech in general?

Q. To the speech in general? A. Why, I think I characterized the speech as a good speech, a very good speech, a very good Socialist speech, and the kind of a speech that would be a good speech to reprint and circulate.

Q. Did you understand from anything that Oneal said, the circumstances there, that he was advocating violence as a means of bringing about a fundamental change? A. If I had so understood —

Q. I am asking you, did you? A. I did not.

Q. What did you understand by the term "accompanied by"; revolutions are usually "accompanied by"? A. That violence has been an incident to revolution.

Q. That is, generally? A. Yes.

Q. Do you understand that that is because the persons who are proposing the change resort to that as a means of carrying out their program or opposing a minority continuing to fasten its control upon society? A. I understand by that the latter.

Q. Do you recall a reference made as follows: "These steel strikers have been out a good many weeks, and they are fighting the Government and the State of Pennsylvania, the police, the constabulary, the militia, the army, the powers of organized government, all are arrayed against the steel striker." Was that language used by you in substance? A. Yes.

Q. And will you please explain what you mean by "fighting the government and the state of Pennsylvania"? A. If I said they were fighting the government and the State of Pennsylvania, I simply meant this: that in every struggle with the steel barons they found that local administrative bodies dominated by local politicians, were arrayed against them and were serving the interests and purposes of the steel barons. That is all I meant.

Q. You are familiar in a general way with the armed forces of the State Constabulary of the State of Pennsylvania? A. I am.

Q. And that is used for the suppression of strikes, sent to all parts of the State? A. Yes.

Q. And there has been a great protest against it by the labor unions of Pennsylvania? A. Yes.

Q. And by persons who are in sympathy with their agitation against it? A. That thought was in my mind. I think I specifically referred to them in these remarks.

Q. And you understand that the Socialist Party generally gives such support as it can to strikes of the workers and trade unions? A. I so understand.

Q. Referring now to another portion of your speech: "If we had placed them in a three cornered fight, if we had an organization there would be in the next legislature in Albany, to meet the Lusk Committee, not less than fourteen of the Socialist Party, if they had not combined against us and if we had an organizer. Comrades, I know what we can do and what we cannot do with the five aldermen and the five Assemblymen." Does that need any explanation you can think of? A. I don't see why it requires explanation.

Q. Referring to Eugene V. Debs behind prison bars, you have known him for some time? A. I have known of him and I have met him personally.

Q. You have met him? A. I have.

Q. You have read different things he has written at different times? A. I have.

Q. You do not understand it is necessary for any Socialist to adopt the theories of other Socialists? A. I do not.

Q. You appreciate that conventions are held because there are disagreements among persons in political parties? A. I do.

Q. The majority does not mean that all approve but that it is the consensus of opinion in a convention? A. Exactly.

Q. I wish to call your attention to another portion of an address made there, your expression in regard to Oneal's speech was as to the speech in its entirety? A. Exactly.

Q. Do you mean to say that every part and portion of it met with your approval? A. Certainly not.

Q. Who else spoke at that meeting, if you recall? A. Oneal, Waldman, one Gregory Zilboorg, Mr. Shiplacoff.

Q. You heard Shiplacoff's address, did you, A. Yes.

Q. Referring to that portion of his speech where he says it requires an era of unusually high cost of living and requires a tremendous upheaval the world over to wake up some people, did you understand by that that it requires any physical violence to shock them out of their slumbers? A. I do not.

Q. You think the high cost of living is enough? A. I think it is enough.

Q. Twenty-two cent eggs you think should jar them to a little thought? A. It has jarred me.

Q. You are not a capitalist, are you? A. Not exactly. \$1,500 a year, if I get it.

Q. Do you know Mr. Wasserman? A. Yes, I know him.

Q. How many times have you seen him, that you recall? A. I cannot recall the number of times. I have seen him casually. I passed him on the street. He said, Hello, and on one occasion I debated with him.

Q. You heard his testimony, did you? A. I did.

Q. Did you tell him at one time that you were a Bolshevist and that the Revolution is under way? A. I didn't tell him on that occasion or any other occasion. As a matter of fact that occasion never occurred. It was an alleged occasion.

Q. And did you tell him at that time or any other time that you had Sunday schools to preach the spirit of hatred and irreligion and revolution and blood and thunder and all those other things?

A. It may interest you to know that I probably have not spent more than two minutes in all the Sunday schools in the country.

Q. You might have heard it? A. No, I did not.

Q. Did you tell him that at the time? A. I did not.

Q. You recall a reference in regard to Liebknecht and Rosa Luxemburg, referring to them? A. Mr. Stedman, I didn't have that conversation with them and never spoke to Mr. Wasserman except on one occasion when I debated with him, more than casually. I never even met him in a trolley car.

Q. Nor the subway? A. No.

Q. Did you say to him or anyone else that the revolution was under way? A. No, I didn't say it to him.

Q. Or to anyone else that you recall? A. No, only in the sense that the economic revolution is under way, is evolving all the time.

Q. And by that you understand a substantial transformation in the mode of industry and living? A. Exactly, social evolution culminating in social revolution.

Q. Well, you were not present, were you when Wasserman made any statement about Socialists vaunting the red flag? A. I never heard him make that statement.

Q. And denouncing everybody and everything as dishonest. He didn't make that statement in your presence, do you recall, in your presence outside of here? A. No.

Q. At any place where you would have an opportunity to contradict the erring gentleman? A. No, I didn't.

Q. Referring now to the incident that took place during the strike on the street cars in the vicinity of East New York, St. Johns place and Saratoga avenue; about August 6, 1919, do you recall that incident? A. I do.

Q. Was there a threatened or suggested or possible strike in process at that time? A: At the time of the incident there was a car strike in process.

Q. Were you there when the officers arrived? A. I was.

Q. Did you at that time tell the officers to pull the scabs off the car? A. I didn't and I do not ordinarily give instructions to police inspectors.

Q. What happened? A. Do you want it in detail?

Q. Yes. A. I was standing on the sidewalk there; other persons were standing there to the extent of several hundred. When I arrived upon the scene there were obstructions on the trolley tracks and as I stood there an automobile appeared on the scene and I went with others to where the automobile stopped. We gathered around and stood there awhile and as I was standing there around the rear came the police inspector with an instrument in his hand that I recall was a black jack, waving it indiscriminately and striking persons with it. Some were removed to nearby drug stores. I rushed to the crowd and protested to him.

Q. What did you say? A. I said stop there. He turned and saw me; I think he recalled me from the time he met me in this May day party. I think he was surprised to see me there —

Mr. Stedman.— Never mind the surprise.

The Witness.— And he said you are a lawmaker and I said yes, and you are a lawbreaker; you are striking these people who gave you no cause to strike them. He ceased and said nothing and walked away from where I was standing towards the rear of the automobile whereupon I turned and walked to the sidewalk and stood there for a while and then walked away.

Q. Were there any attacks being made upon the persons operating the street cars? A. No attacks.

Q. Did you say, "Why don't you assault the strikebreakers," or any language of that kind or character? A. I said nothing beyond trying to protest against this brutality.

Q. Well what did you do, we don't know what words you used? A. In the manner I have just described.

Q. You used the language you just gave us? A. Yes, substantially.

Q. Did he say to you, "Assemblyman, you are a lawmaker and an officer of the state and instead of assisting me to restore order you are interfering with me, encouraging this disorderly group in violation of law; I now advise you to go on and mind your own business?" A. All he said was you are a lawmaker and I think he was too much surprised in seeing the Assemblyman from that district —

Q. Never mind his second surprise, what did he say? A. That is all.

Q. Do you recall the incident of the first of May, 1919?
A. I do.

Q. Where was it? A. On Glenmore avenue near Second street in the Borough of Brooklyn.

Q. What were the circumstances and what happened and what was said? A. It was before the parade had started. A large number of persons were forming in line and I was helping to form them in line so that the parade might start soon. At the head of the line I met policemen, among them the Inspector. The Inspector informed me that red banners would have to be removed. I knew the law and cooperated with him and others in removing the banners. The Inspector then said that the trade union banners should be removed. These were trade union banners with imprints on a background of red. I suggested to the Inspector that the law did not contemplate trade union banners as red flags. I said, "We will remove them if you insist upon it; but in order that we may determine whether a trade union banner is a red flag within the meaning of the law, I suggest we arrest one person carrying such banner and test the matter in court." He said he did not see the necessity of doing that, and we removed every single trade union banner in the parade.

Q. And that terminated that incident? A. And that terminated that incident.

Q. Were there American flags there at the time? A. Very large number of them, right along the entire line of march, especially at the head of the parade.

Q. You were here when Miss Chivers testified as to an occurrence at 9th street and 6th avenue, in Brooklyn? A. Yes.

Q. What is the character of that neighborhood, socialistic? A. No, sir, entirely anti-socialistic.

Q. Did you speak there in May or April, 1917? A. I did not.

Q. When is the first time that you commenced speaking there in 1917? A. In the last week of July. I think my meeting took place the 23rd of July.

Q. Have you some means outside of your naked recollection, by which you can determine that fact? A. We have here a file.

Q. What means? A. This file of the New York Call.

Q. Anything else? A. And my general recollection.

Q. Have you the minutes? A. I had the minutes here yesterday. What minutes do you mean?

Q. The minutes calling for the meeting of the local? A. No, I have not.

Q. Now, then, referring to the Call, is your meeting advertised in it? A. It is announced in the Call of July 22nd, Sunday.

Q. Do you know the language used? A. It is to the effect that I will begin the open air campaign the following night on the corner of 9th street and 6th avenue, under the auspices of the 12th assembly branch.

Mr. Stedman. — Have you that, Mr. Block?

Mr. Block. — Yes.

Mr. Stedman. — Will you read it.

Mr. Block. — Let us offer it in evidence first—page 5 of the New York Call of Sunday, July 22nd, 1917, reading as follows —

The Chairman. — It may be received.

Mr. Block. — On page 5, under the heading of "Socialist News, Brooklyn, 12 A. D.", meaning 12th Assembly District — "Campaign begins. Charles Solomon to speak tomorrow. Charles Solomon will begin the open air campaign of the 12th Assembly District Branch tomorrow night by addressing a meeting at 9th street and 6th avenue. A successful series of meetings were held at this corner last year by Solomon. The anti-socialists have been holding their meetings on the same corner and in the neighborhood for some time, and the interest that has been raised augers well for a fine attendance tomorrow night."

By Mr. Stedman:

Q. Then you did not speak during April, May or June? A. I did not.

Q. Up to the latter part of July; is that correct? A. That is correct.

Mr. Block. — Let it be marked.

(Newspaper announcement referred to received in evidence and marked Assemblymen's Exhibit No. 9).

By Mr. Stedman:

Q. I wish to quote the evidence here and then I will cover the date: "Q. Can you tell us about when that was? A. well, that was, I should say, about the early part of April or the first part of May, 1917." That is on page 706. Now, let me ask you if you spoke there at any time the early or middle part of April or during the entire month of May? A. No, sir.

Q. Or February? A. Oh, no.

Q. Or June? A. No.

Q. All right. Will you give us a general description of the situation where this meeting was held. It is cross streets? A. Why, yes, it is 6th avenue and 9th street; a trolley line runs down 9th street.

Q. I think yesterday you described it? A. Yes.

Q. That is the place you referred to when you testified yesterday, did you not? A. Yes.

Q. And you had a stand? A. Yes.

Q. How high was that above the sidewalk? A. About four feet.

Q. Was there a rail around the stand? A. Yes, in front of the stand, as I recall.

Q. And were you facing the crowd? A. Yes.

Q. The crowd were looking at you while you were talking?
A. Yes.

Q. There were a great number around there? A. Yes.

Q. Were there any flags on the stand? A. Always.

Q. What kind? A. American.

Q. Did you at any time during that meeting lean over and spit on the flag? A. I certainly did not.

Q. Was there a chair on the platform? A. There was not.

Q. And how near was the crowd to you while you were talking — I mean to the stand? Were they so that they could see you plainly and easily? A. They were.

Q. Could you see them plainly? A. Yes.

Q. And you wear glasses? A. Yes.

Q. You have not the very best sight in the world? A. No.

Q. You could see the crowd standing in front of you? A. Yes.

Q. Within arm's reach? A. About three or four feet away.

Q. They stood about three or four feet away from the stand?
A. Yes, in front. If the policemen would come between them and the stand, they would move them back. It depended on where the police were located.

Q. Well, during this time that you were talking there do you recall how close they were to the stand? A. Oh, I should say three feet approximately.

Q. And what is the method of lighting there; arc lights? A. As I recall it.

Q. What is the dimensions of this stand? A. I should say, approximately, four feet or three feet square; about three feet square.

Q. Were there red flags there? A. Never.

Q. During that time was there a bus, or any other vehicle, come up or pass near there during the time that you were addressing the meeting — by the way, what time did you start to speak?

A. You did not specify the meeting.

Q. You referred to a meeting yesterday? A. Yes, sir.

Q. What meeting was that? A. A meeting in the latter part of September.

Q. 1917? A. 1917.

Q. Was that the only meeting at which there was a recruiting effort made? A. The only meeting on that corner that I addressed.

Q. And that is the only one where there was a recruiting effort made, or a vehicle went by with men recruiting? A. Yes, sir.

Q. And that was in September? A. Yes sir.

Q. Let me ask you if at the time they were passing by, or at any other time, any request was made of you by persons who were recruiting? A. No remarks whatever.

Q. From officers or soldiers? A. No remarks were addressed to me by them.

Q. Did they, or any one, say — did they ask you if they might borrow your platform for the purpose of recruiting, and did you reply: “Lend you my platform? Can you borrow my platform? Huh, the gutter is good enough for you.” Did you make that remark in substance, in effect or in language literally as stated here? A. In no way whatever.

Q. Miss Chivers also testified as follows: “He,” referring to you, “said if we had our way there would not be anyone who would ask a Socialist if they might borrow their platform to call for volunteers” and he continued she reports as saying “I would not let you wipe your dirty feet on it.” Did you make that statement in substance, or in effect, in any language to the recruiters that were there? A. I think the best answer to that is that I am here, Mr. Stedman.

The Chairman.— That is not an answer; strike it out.

The Witness.— I did not, of course not.

Q. Did you make that statement to anyone,—commented on the street to them or anyone else? A. No.

Q. Did you thereafter, or about that time, turn up your coat collar and pull down your hat, and pull it over your eyes, like Hawk Shaw, and spit on the American flag and sit down?

Mr. Conboy.— Did she say like Hawk Shaw?

Mr. Stedman.— No, that is stricken out.

The Witness.— No, I never sat on the platform. There was nothing on which I could sit there.

Q. How wide is the platform? A. About three feet.

Q. Three feet wide? A. And about three feet square.

Q. Did you turn your collar up and pull your hat down? A. No, I did not.

Q. You did not sit on the stair of the platform? A. It had no stair.

Q. Is that one of these collapsible platforms? A. Yes.

Q. That is a platform which has a little rail on the front, and you step on it from the ground,— It is one that folds up? A. It has a top and they support it with iron bars that set into the bottom of the platform.

Q. And it is taken apart so you can carry it away easily? A. Yes.

Q. Do you know whether you wore a hat? A. I did not.

Q. You did not wear a hat that time? A. Not while I was speaking.

Q. Do you recall ever seeing Miss Chivers before she appeared here as a witness? A. I never saw her before.

Q. I suppose you have heard about the anti-Socialist Society? A. I have.

Q. They have had persons at your meetings? A. Yes, persons who said they represented it.

Q. Persons present at these various meetings? A. Yes.

Q. At the time she testified she also spoke of a Miss Brady, I think her name was?

The Chairman.— Miss O'Neil.

Q. Did you ever hear or know anything about Miss O'Neil? A. No.

Q. What was the subject of your address that evening, if you recall? A. I was speaking on the suffrage question,— on the ratification of the amendment which was before the people in that campaign.

Q. You did not speak then on the subject of America and the war? A. No, not only did I not speak on that subject at that meeting, or at any meeting on that corner.

Q. To direct your attention so that you will not be mistaken, do you recall any lady calling the attention of the policemen to you and asking them to arrest you at that meeting? A. I do not.

Q. Protesting because they did not arrest you? A. No, sir.

Q. I think you were at Independence Hall — you know Mr. Hart? A. Yes, sir, I do.

Q. I might ask you one more question: Did you at that meeting say they, the soldiers, are interrupting our meeting? A. No, I did not.

Q. You know nothing about any controversy between you and the soldiers? A. There was no controversy at all.

Q. How long have you known Mr. Hart? A. I met him — I saw him for the first time during the last campaign. He was my Democratic opponent.

Q. Had you met him before that time? A. No, sir.

Q. How many votes did he get? A. In the last campaign, 2777.

Q. And what was the next vote? A. He was defeated by the Republican candidate,—by the way, that was the first time in several years that the Republicans defeated the Democrats in my district. He ran third. The Republican got 3127 votes, and I got 4974 votes, about twenty-two hundred more votes than he got.

Q. Does he live in the district now? A. He did. He moved to an address outside of the district.

Q. He is not in that district now? A. No.

(Discussion off the record.)

Q. Did you in any conversation with him state that this country entered the war for the purpose of protecting the interest of certain Wall Street capitalists who had loaned the money to the Allies, and that the Wall Street interests feared that unless this country entered the war and saved the Allies from defeat, the money they loaned to the Allies would be lost and they would be unable to collect it? A. Did he say I said it to him in a personal conversation?

Q. That is his answer. A. I think he testified I made those remarks at a meeting.

Q. Yes, a meeting. A. No, I didn't.

Q. You are familiar with the proclamation and war program of the Socialist Party? A. Yes.

Q. Are you one who did not agree with the statements therein made? A. Well, my disagreement went not to the heart and substance of the document but to the phraseology in some instances.

Q. In other words, you believe commercial rivalry is the basis for war? A. I believe the capitalist mode of production and distribution makes war.

Q. The fundamental principles you accept? A. Exactly.

Q. The methods of tactics applicable to the situation you disagree with? A. I don't understand the question.

Q. For instance, as a proposition in that platform that we are opposed, where it mentions the opposition to the war, you agree with that? A. Yes.

Q. Then resistance by all means in our power, or opposition to war by all means within our power? A. All legal means within our power.

Mr. Conboy.—When you concur with the statement of the counsel and interpolate the word “legal”, you don't want us to understand that word is in the platform?

By Mr. Stedman:

Q. Do you understand that to be legal means? A. Exactly.

Q. And all means you understand to have what meaning? A. Legal meaning.

Q. That is, if you propose to clean a building and suggest mops and all other means—which would be used, they might use soap along with the mops, and other ingredients? A. I don't know whether they do or not.

Q. Need it sometimes. “All other means” implies means of similar character and not specifically enumerated? A. Certainly.

Q. Have you ever at any time advocated force as a method for overthrowing or changing the government? A. No, sir. Most emphatically not, since I became a Socialist.

Q. I may refresh your recollection of this (Reading): “Where was Mr. Solomon speaking? A. Well, I am coming to that. He was speaking at a meeting at the corner of Prospect Place and Saratoga Avenue. It was a few nights after this meeting which you referred to before where Zucker had spoken. It seemed there was some dissension in the party from Mr. Solomon's remarks and there was a primary fight on between Zucker and Whatten, who were opposing respectively Shiplacoff and Solomon. Solomon was addressing the audience and stating it had been brought to his attention that Zucker had charged him with being reactionary and

not being true to the revolutionary Socialists, and said also Mr. Zucker had charged him at a meeting on the corner of Pekin and Stone Avenues with having supported the government during the war. Solomon said he took occasion to point out that as an infamous falsehood, and pointed out, while people were being sent to jail, for uttering their opinions in connection with the government's attitude in declaring war, and in regard to the war itself, he supported the St. Louis resolution, openly boasted of that fact.

Q. What were the circumstances in reference to that? A. Well, I didn't boast of the fact. I have announced again and again that I supported the St. Louis resolution. No necessity for boasting about it.

Q. Any reference there to the fact that you were a revolutionary Socialist? A. I have described myself as a Socialist again and again. All Socialists are revolutionary in a sense. Those words have been defined.

Q. In other words, you believe in the socializing of the large industries of production? A. That is what I understand by revolution.

Q. In other words, a fundamental change? A. Exactly.

Mr. Sutherland. — Mr. Chairman, we do not want to appear to put the slightest obstacle in the way of any of these assemblymen testifying. For that reason, we have not objected to these questions, which are not only leading, but leave no chance for the witness to say anything except yes or no. The whole course of the questioning is contrary to the method that is allowable to the examination of witnesses in court. We have not objected, because we do not want anybody to say that we are not giving these men the widest latitude, but I call attention to the fact that the whole tenor and course of the examination has been to suggest to the witness the answer that is desired by counsel.

The Chairman. — I know that; that's true.

The Witness. — I prefer it the other way.

The Chairman. — Of course, the true way would be to call his attention to an incident and let him give his own version of it.

Mr. Stedman. — I adopted the other way because I could not go through a long speech, and I could get further by calling his attention to particular portions we want to correct.

Q. Now, Mr. Solomon, referring to your speech made in the fall of 1919; before 350 to 500 people, at which I think Mr. Hart was present, will you tell us in substance what you said? Mr. Chairman, I shall have to call his attention to a particular part —

The Chairman. — I think you can go on the way you have been going, if you prefer.

Q. Did you make a speech at that time? A. I made a great many.

Q. Do you recall the one at St. Marks Avenue and Saratoga? A. I made several speeches on that corner.

Q. You recall the testimony, do you not, of Mr. Hart? A. I think he is referring to a meeting at which Hart spoke and at which I made remarks from the audience.

Q. What did you say at that meeting — let me call your attention to it. What did you say at that time? “Q. What did he say at that time? A. At that time Mr. Solomon stated that there had been much talk during the primary contest of revolution, and people had been asking him in the streets ‘You do not mean to tell me you people are in favor of revolution?’ And he answered frankly, ‘We are’. And he explained ‘Revolution does not necessarily mean bloodshed. All you have to do is walk up and take control of the government.’” Was that language used? A. No, sir.

Q. What language was used? A. If it was his meeting which he referred to in that testimony, I didn’t say anything of the kind.

Q. Where the term is used, “to take possession of the government”, do you understand we are going to run around with a few cap pistols and take a court house? A. I understand legal possession through the instrumentality of the electoral vote.

Q. You mean through the people who are sent as representatives to legislatures, to take possession in a legal way? A. I do. Repeat your question.

Q. What do you mean by seizing or taking possession of the government? A. I mean by taking possession of the government through organized political precept, in electoral campaigns, elected candidates to the various offices, and in that manner take possession of the government.

Q. Do you recall any speech to which this could refer, made by you? A. Well, I made a great many speeches to which that might refer: I do not recall any particular speech.

Q. And what do you usually say upon this subject when you speak upon it? A. On the subject of taking possession of the government?

Q. Yes? A. What I have just told you.

Q. How many times have you addressed meetings during 1919, Socialist meetings around New York? A. I should say in the neighborhood of 200 times at least.

Q. During the time you were a candidate for the assembly, how frequently were meetings held in your district at which you attended and spoke? A. Some nights I addressed three, four and even five meetings.

Q. Were these open — A. Open air meetings.

Q. Police around? A. At all meetings.

Q. Any one come there from the Secret Service, military intelligence, or others? A. They did come.

Q. They were there, were they? A. Yes.

Q. Were you placed under arrest at any time by any of these parties? A. Never.

Q. Did any of them criticise you? A. No.

Q. What is the date of the election at which you were elected to the assembly? A. I think it was the 7th of November; I am not certain; I don't know the exact date; in the early part of November.

Q. Where did you take your oath? A. Which oath?

Q. Of Assemblyman? A. Right here.

Q. When? A. On the 7th of January.

Q. State the manner of it, please? A. It was approximately noon time. I came in here and before taking a seat in the House I took my oath in the well of the House.

Q. Who administered the oath? A. I don't know what his office was, but a man at the desk.

Q. Was any one in the chair at that time? A. Nobody; do you mean in the Speaker's chair?

Q. Yes? A. Nobody.

Q. Had the Assembly been called to order at that time? A. No, sir.

Q. How soon thereafter was it called to order? A. 15 or 20 minutes, as I recall.

Q. You have no recollection who it was who administered the oath? A. No, but I do know that others took the oath at the same time, administered by this same person.

Q. Republicans and Democrats? A. Yes.

Q. Any protest against your taking the oath? A. None.

Q. After this the Assembly was called to order? A. It was.

Q. State what occurred?

Mr. Sutherland.—Is there any dispute about that, Mr. Chairman?

Q. You took your seat? A. I will make it brief. They proceeded with the organization of the House, in which we participated up to the time we were called in the well of the House, and then there transpired substantially what Mr. Waldman testified to.

By Mr. Stedman:

Q. You mean by the "well," the semi-circle in front of the Speaker's desk? A. Where I am at this moment.

Q. When did you first serve a term in the Assembly? A. The preceding year.

Q. When were you elected then? A. The year before that, 1918.

Q. During that year you served in the Assembly? A. Yes, sir.

Q. That was after the adoption of the war program? A. Yes.

Q. And the St. Louis platform? A. Yes, sir.

Q. And all this that has taken place took place before that time—these things that have been introduced in evidence—subsequent to 1918? A. Yes, sir.

Q. Was any criticism made at that time, any motion made to oust you? A. When I was in the House the first term?

Q. 1918, yes. A. None.

Q. The same Speaker? A. Yes.

Q. Did he seem to have the same information then as he has now? A. Yes, and on occasions was quite friendly.

The Chairman.—I think the last two questions and answers may go out.

Q. Will you please state what bills you offered that were presented for consideration and the adoption of the House? A. Yes. Shall I read them in chronological order?

Q. Yes.

The Chairman.—Are they not in the Waldman testimony?

The Witness.—Those I read I will so refer to. I introduced as my first bill Assembly bill No. 34, authorizing the Governor, in an emergency, to take possession and assume control of the

equipment and appurtenances used in the collection, pasteurization and distribution of milk and milk products, and the manufacture of the latter, and utilize the same, so that the people will be adequately supplied therewith. This power is to cease when the emergency ends. To Ways and Means Committee, February 11th; amended and recommitted; printed No. A. 591.

Then I introduced, or reintroduced, Mr. Waldman's State Milk Commission bill, already referred to by him. Mr. Waldman's bill, when reintroduced, was No. 35.

Then I introduced bill No. 68, authorizing the Governor to appoint a commission of two Senators and three Assemblymen to investigate rent conditions and the relationship of landlord and tenant in Greater New York city, and to recommend remedial legislation for prevention of profiteering in rents and other abuses. Two thousand dollars is appropriated. To Ways and Means Committee, February 20th; amended and recommitted; printed No. A-68, 819.

I would like to say in connection with that bill that it was the first bill introduced in the Assembly directed against rent profiteering in any of the cities of the State; and I made, shortly thereafter, a speech against rent profiteering, in an effort to direct the attention of the House to this bill I had introduced. I made repeated speeches to the same effect, and I think a day or two before the end of the session the resolution was adopted incorporating the ideas that were originally expressed in this bill. This resolution provided for the appointment of a commission to conduct, among other things, an investigation in the rent and housing situation in the city of New York; and as I recall it, they were directed at the same time to look into the ice situation. The bill had both things at the same time.

I then introduced bill No. 320, adding new sections, 13-D to 13-I — General City Law, enabling cities to acquire lands and erect dwellings thereon, to be rented to the people at cost. Dwelling commissions are to be created by boards of aldermen. Employees for the dwellings shall be chosen under civil service rule and shall not be disturbed in their right to organize in unions; and if a city fails to acquire land and build dwellings on or before thirty days prior to the next general election, the proposition to do this shall be submitted to the voters. This is a bill similar in character to the one Mr. Waldman referred to. I should like to add just these remarks: It was the only House bill introduced

in that session of the Legislature; the only legislation proposed to meet the housing problem in the cities of the State of New York. A bill substantially like this has been introduced this session in the Senate by Senator Dunnigan, I believe. It is very largely this bill I introduced last year.

I then introduced Bill No. 530, which was a reintroduction of the food bill that Mr. Waldman referred to.

I then introduced Bill No. 531, adding new section 1279, to the Penal Law, providing that when an employer advertises for employes during a strike, lockout or industrial dispute, he must give notice in the advertisement of the existence of such conditions at his plant, and prescribing penalties for violation. To Codes Committee, Printed No. A-554. This bill is like the bill which was referred to by Mr. Waldman. On this bill we had a very interesting hearing before the Codes Committee, and representatives of a large number of organizations appeared to speak for the bill; among them I recall the legislative representative of the State Federation of Labor of the State of New York.

I then introduced bill No. 1063, creating a commission of two Senators and three Assemblymen to take such steps as it may find necessary to enable to report to the Legislature during the current session a plan for averting an ice famine during the coming summer, by providing an adequate supply of ice at reasonable prices. \$3,000 is appropriated. To Ways and Means Committee, printed No. A-1881.

In this connection I should like to say that this was the only ice bill introduced during that session of the Legislature. I made the first speeches on the floor of the Assembly, directing the attention of this House, or the House at that time, to the probable ice famine the coming summer. I made repeated speeches on that condition. I personally directed the attention of the Chairman of the Committee on Ways and Means to that probable condition. I argued with him for a hearing on that bill; I argued with him for a hearing on any other bill that might be introduced. I sought to cause him to have his committee act early upon what I considered would be a probable famine, particularly in the City of New York. We got no further, except in this respect: That on the concluding day of the session, last year, or the day before, the resolution I formerly referred to was passed, under which a committee was appointed to look into the rent and ice problem — to look into the ice problem on the threshold of summer.

And I then introduced No. 1064 inserting new section 66-O, 66-R Labor Law by abolishing all private employment agencies and by providing that the State Employment Bureau shall exercise the powers and duties of such private agencies. Fifty thousand dollars is appropriated to labor and industries committee. Printed number A-1182. This was a bill that was slightly different than the one Mr. Waldman described and the purpose of the bill is stated in the first section of the bill which is brief.

Q. The object was for public employment? A. Exactly.

Q. All right. A. Those were all the bills I introduced. I introduced several resolutions if you are interested in hearing about them.

Q. What were they, just state what they were? A. One was a resolution calling upon the Assembly, the Legislature to memorialize the Congress of the United States with regard to the unemployment situation that prevailed in the state and throughout the country at the time.

Q. When? A. During the session of 1919. The resolution embodied certain suggestions which should be incorporated in my judgment at the time in legislation.

Q. National legislation? A. Yes; national legislation. I suggested the establishment and development of a permanent federal employment system; the reduction of the working day as rapidly as possible; the undertaking of necessary public works, such as road building, development of water power and irrigation, reclamation of arid and swamp lands, reforestation, government housing and development of the land and resources of the nation generally; the establishment of a comprehensive system of social insurance against unemployment; the enactment of more stringent child labor legislation; the re-establishment and rapid development of a system of vocational education. This resolution was tabled January 20th and referred to the Judiciary Committee. I want to say that all resolutions that went to the Judiciary Committee I had no difficulty in getting a hearing upon. I got a hearing upon this resolution before the Judiciary Committee of which Mr. Martin was then Chairman and I presented a considerable collection of data on the subject.

Q. What happened. Was it reported? A. It didn't get beyond that.

Q. You were heard? A. Yes, I was heard.

Q. What is next? A. I then introduced a resolution calling upon the Legislature to memorialize Congress for the repeal of

the gag legislation, the legislation commonly referred to as gag legislation, exemplified in the Espionage Act. If you want the reasons for it, they are recited in the resolution and I can read the entire resolution to you.

(Mr. Stedman.— Never mind.)

I then introduced a resolution calling upon the Legislature to request the Governor to instruct the Reconstruction Commission to make such study of the problem of social insurance against unemployment. The resolution contemplated a recommendation by the Reconstruction Commission to the Legislature on the subject. This recommendation was to contain, I hoped, recommendation along legislative lines.

Q. You can state the objective without the method? A. The establishment of a system of social insurance against unemployment in the State of New York.

Q. Have you another? A. I introduced no more resolutions.

Q. Mr. Solomon, will you state now what bills you voted for that were adopted and which were sponsored by Democrats or Republicans? A. Oh, I voted for hundreds of them.

Q. You voted upon bills depending upon their merits? A. Exactly, as I understood them.

Q. There were no bills introduced by your companions or yourself to legalize sabotage? A. No, sir.

Q. Was any resolution offered to legalize it? A. No, sir.

Q. How many bills did you vote against, if you recall? A. Well, now, just a moment. I made some note about that. I think about 1500 bills were introduced, and about 800 came before the House. I voted for the overwhelming majority of them.

Q. There is a national constitution issued by the Socialist party, isn't there? A. There is.

Q. And you are familiar, in a general way with its context? A. Yes.

Q. Assuming the context, and language, is in conflict with the language of the law and the obedience to it, and the requirements of the State in the name of the party, or otherwise, what is your position? A. The law of the State always takes precedence over the party law.

Q. And that is generally understood by the party? A. It has always been understood in that manner, to my knowledge.

Q. That is the National Constitution attempts to adapt itself to the 48 States? A. Exactly.

Mr. Sutherland.— I object to that.

Mr. Stedman.— I mean the constitution of the party.

Mr. Sutherland.— If there is any such thing in the national constitution we have yet to see it.

(Discussion off the record.)

Mr. Stedman.— I will withdraw the question and ask a new question.

Q. The National Constitution provides that the name of the party shall be "The Socialist Party." A. Yes.

Q. And they go under a different name in Wisconsin? A. They go under the name of the Social Democrat Party.

Q. It would be illegal for them to go there under the name of the Socialist Party? A. That is my understanding.

Q. It was true of New York at one time? A. It was true of New York at one time.

Q. And that was the Socialist Labor party? A. There still is.

Q. And yet the name of this party was the Socialist party? A. Yes, subsequently.

Q. And there were places where it could not use the name Socialist because of other parties? A. That is my understanding.

Q. And it took different names? A. Yes.

Q. And that constituted the break in different States, and the change in name in the constitution? A. Yes, sir.

Q. Is it your understanding that the constitution is not conformable to a constitution or law of the State or government, that the law of the government or State supersedes it and prevails against it? A. Exactly; I never knew the party to govern the State or nation.

Q. And your understanding is, it would not be the purpose of the party to adopt in its constitution a provision that would be antagonistic to and advocating a course of conduct in violation of the law? A. Exactly.

Q. Of course, by law, I mean the supreme law of the State, which is the constitution of the Federal nation and the State? A. I so understand you.

Q. You took your oath of office, as you have testified to? A. Yes.

Q. Was there anything in your oath of office in conflict with obedience to the laws, rules and constitution of the socialist party? A. No, sir.

Q. Bearing in mind your statement to which I called your attention to a moment ago? A. I do not know what statement you called to my attention a moment ago.

Q. That portion of the constitution is abrogated which is in conflict with the law of any other State? A. Yes, you did call my attention to it.

Q. Was it in conflict with your own judgment of your duties, your loyalty to the State and the country? A. No, I took the constitutional oath without any reservations whatever.

Q. And do you know of any reason why you could not, and cannot now, comply fully, completely, without any equivocation or reservation with your constitutional oath? A. None whatever.

Q. Either openly or secretly? A. Well, I comply with the law openly.

Q. I mean, secretly. You know we have had invisible empires hovering around. Do you owe any allegiance to any invisible empire without landmarks, territory or boundaries, which in any way conflicts with your official oath? A. I do not know what you are talking about when you talk about invisible empire.

Q. I am speaking about the record; is there any such? A. I have never heard of any such.

Q. You have heard of the Internationale? A. Yes.

Q. Is there any relationship that you bear to the international, as a member of the Socialist party, in the international socialist movement, that conflicts with your complete, unequivocal abiding by your official oath? A. No, sir.

Q. Have you signed any resignation that may be exercised or voted upon by alien enemies or aliens at all, or members of the party, by which they may control or dictate or influence your conduct? A. I never signed any resignation in the history of my membership in the Socialist party.

Q. Have you pledged to vote for any particular office, or give any particular office to any individual, or appoint any person to any particular office, from page boy or any other position, in response to any members' meeting or dictates or agreements? A. I did not, and I want to remind you that there were just two of us in the Legislature. We were not making any appointments.

Q. And you heard the testimony of Mr. Lee, Mr. Branstetter and Mr. Hillquit in regard to the general international attitude of our party and the philosophy of the movement? A. Yes.

Q. Do you accept their statements? A. I do.

Q. Mr. Hart mentioned at page 820 and 821 of the printed record — his testimony was as follows, and I will read it to you and you can make your statement.

The Chairman.— On both pages?

Mr. Stedman.— Excerpts from both pages, and I am only doing this because he assumes that Mr. Solomon did not rise and deny it that it may be fact.

The Chairman.— He stated on page 820 and 821 a lot of assertions he made, and he said Solomon was there and he did not say anything about it. What kind of proof is that?

Mr. Stedman.— He made a statement here that Solomon used the word revolutionary in different localities.

The Chairman.— Well, make it brief.

Q. Did you use revolution on one side of the street and go to the next block and use it in another way? A. I always used it in the sense —

Q. In other words, you were not going to one district and saying one thing, and going to another and saying another thing; what is the fact? A. I will complete the statement I started before — and in the sense which has been defined here by Mr. Hillquit, Mr. Lee and Mr. Branstetter.

Q. I will just read you one statement and call your attention to it. “I heard him define it in one place as meaning one thing and in another place as meaning another thing according to the nature and temper of his audience and I quote from various Socialist writers that by revolution is not meant a sudden change.” You never made any statement of that kind? A. I stick by my former answer.

Q. And didn't modify your meanings by the blocks? A. Not substantially.

Assemblyman Evans.— There is some testimony by Mr. Hart that in the presence of a certain Dr. Zucker, Solomon was accused of being a revolutionary Socialist.

Mr. Stedman.— Will you please tell us about that.

The Chairman.— Here is what Mr. Evans refers to on page 817. Solomon was running in the primary and he was afraid they wouldn't find out he was really a revolutionist and he said

as follows "that he was really and truly a revolutionary Socialist and that Zucker and the other men, I believe he referred to them as the Left Wingers," didn't think so.

Mr. Stedman.—Zucker didn't think he was red enough.

The Chairman.—He said they were laboring under a delusion and he was a revolutionary Socialist. He didn't want any mistake about that.

The Witness.—If you will read further down, he also ascribed remarks essentially to this effect to me that I said that these so-called revolutionary Socialists, or the so-called Left Wing, did not understand the people of the country nor the conditions of the country nor the psychology of the people of the country.

The Chairman.—Tell us what you said to these fellows. Go ahead.

The Witness.—In their belief that they were on the threshold of the revolution that they were mistaken, according to the statement Mr. Hart ascribed to me. I said these things. I believed them at the time and I believe them substantially at this time.

By Mr. Hillquit:

Q. What was the entire incident between you and Dr. Zucker?

A. Dr. Zucker went around the district condemning me as a compromiser and reformer and a yellow.

Q. What was Dr. Zucker? A. Dr. Zucker was a member of the faction in the Socialist Party that subsequently seceded and formed themselves into the Communist Labor Party.

Q. At the time of the election was he a member of the party?

A. At the time of the election he was not a member of the party. He was in the primaries against the regularly designated party candidate.

Q. Seeking to secure the nomination? A. Seeking to secure the nomination against the nominee.

Q. Against you? A. Against Mr. Shiplacoff. Mr. Watten was against me.

Q. His charge against you was what? A. That I was not a Socialist; that I was a yellow, criminal, compromiser, a reformer and a lot of other things to that effect.

Q. Did you assert that you were a good revolutionary Socialist? A. I did in the sense I have defined those terms to you and the Committee here.

Mr. Stedman.—That is all.

Cross-examination by Mr. Sutherland:

Q. Speaking, Mr. Solomon, of the sense in which you used certain words in your public addresses, do you accept this proposition as sound, that a man should be held to intend and to mean by his words what those words ordinarily mean to the average man as they are used in common speech? A. Well, words that are used in common speech should mean what they ordinarily mean to the average man, but the average man does not use ordinarily in common speech the word "revolution" as a part of the political party or participant in a political campaign.

Q. Do you think that the word "revolution" is a word not commonly understood by the average citizen of the United States? A. The word "revolution" is a word commonly misunderstood and misapplied by the average citizen of the United States.

Q. Yes. I want to be perfectly understandable in my language. I am not going to ask somebody to carry a glossary to hunt around for my meaning. Have the Socialists got meanings for the word "revolution" and fight and warfare and enemies that are different from the meaning ordinarily attributed to those words by the common everyday folks of America? A. There are certain words that the Socialists employ that have a peculiar and special meaning and the word "revolution" specifically spoken of has a peculiar and special meaning that is recognized by all students of politics of any consequence and I didn't expect people to walk around with a glossary. When I used the word "revolution" I usually accompany the word with an explanation of the character I made this afternoon.

Q. Now, when in your speeches or in speeches at Socialist meetings made by other people in your presence the word "revolution" is used, accompanied by references to the French Revolution and to the American Revolution, do you think the ordinary listener is going to get the idea that you are talking about social revolution, a quiet and peaceable affair, that comes as a result of an appeal to the reason and the judgment of mankind, or, would the ordinary man think that you meant by revolution something sudden, an outburst carrying with it the idea of men in conflict, coming to blows, and resulting in personal injury and violence and destruction; now, what do you think the average man listening to that kind of talk is going to understand by your words "revolution" and "barricades" and "fights" and "enemies" and all that sort of thing?

Mr. Stedman.—I object to the "barricades," I move that "barricades" be stricken out.

The Chairman. — Objection overruled. You may answer. A. Well, Judge, if I referred in connection with the use of the word “revolution” to the French Revolution and the American Revolution in the manner that you have just indicated, and said absolutely no more except “revolution,” “French Revolution,” “American Revolution”, then the average man might get the conception that you so vividly picture, but it so happens that I never confined myself to an assertion in those terms and phrases in the manner that you have presented it here this afternoon.

Q. Did you generally add to those two revolutions some pointed and eloquent references to the Russian Revolution? A. Well, I have referred to the Russian Revolution on occasions when I have referred to the other revolutions, but I have taken particular pains to explain what the French Revolution was, why it was, — similarly with the American Revolution, similarly with the Russian Revolution, similarly with the revolution about which we spoke, to point out the identity and to point out the differences, and I have treated the matter as scientifically and as historically as I was capable of doing, and I spared no effort in making it perfectly clear and intelligible to my auditors in the manner that I have taken pains to interpret it here this afternoon.

Q. Now, you appreciate the fact, don't you, right on top of this discussion, that the average man is quite apt to think that by the word “revolution” is meant something accompanied with force and violence; the average man is apt to think of that in the absence of an explanation to the contrary? A. That is exactly what was in my mind and just exactly why I did not confine myself to the statement as you present it. I was not going to take any chances with the conceptions or misconceptions of the average man.

By Mr. Sutherland:

Q. Well now, in order to clear that up and show the average man that might stop on the street and listen to you — or a school-boy of fifteen years of age, who might stop and listen to you — in order to show what kind of a revolution you had in mind, you referred to the French Revolution, the American Revolution and the Russian Revolution in the same breath, did you not? A. By way of contrast, Judge.

Q. By way of contrast? Is there any joke about it? A. I would not say there was any joke about it.

Q. As a matter of witticism or romance? A. No.

Q. Nothing like that? A. I think you know I did not speak that spirit.

(Discussion off the record.)

Q. You openly supported the St. Louis resolutions, did you not, in many speeches? A. As openly as I found it necessary.

Q. Did you not say, Mr. Solomon, here, when you were under the friendly examination of your own counsel, that you said openly that you supported the St. Louis platform? A. Why, surely, I said then and I say now that I supported the St. Louis platform.

Q. You do not want to edge away from that, do you, Mr. Solomon? A. No, I do not edge away from it.

Q. Well, do you regard the St. Louis war resolutions and platform as a fair and honest statement of your attitude toward America in the war, and the reasons for the war? A. I regard the St. Louis platform as not referring specifically to the participation of any one nation in the war, but as an interpretation of the causes of war generally, and of the great world war, particularly. I regard the declaration in that platform as authentic.

Q. Well, there were some pretty plain and unmistakable references to the attitude of America and the part America was going to play in that war in the resolutions and platform adopted at St. Louis? A. I think there were, but I prefer that you refer to them specifically.

Q. You haven't any question in your own mind about them? A. I would have you refer to them specifically.

Q. All right; I will do that. That platform was adopted within a week after we entered the war, was it not? A. I think that is substantially correct.

Q. So that that subject was quite definitely in the minds of the people who prepared and adopted those resolutions, was it not? A. Yes.

Q. (Reading) "The Socialist Party of the United States, in the present grave crisis, solemnly reaffirms its allegiance to the principle of internationalism and working class solidarity the world over, and proclaims its unalterable opposition to the war just declared by the Government of the United States." Now, that was a pretty clear, understandable statement as regards the position and purposes of the United States in going into the war, is it not; it is the going into the war by the United States that you are talking about in that first paragraph, is it not? A. Yes, they refer to the entrance of the United States into the war in that first paragraph.

Q. (Reading): "Modern wars as a rule have been caused by the commercial and financial rivalry and in trades of the capitalist interest of the different countries. Whether they have been frankly waged as wars of aggression or have been hypocritically represented as wars of defense, they have always been made by the classes and fought by the masses. Wars bring wealth and power to the ruling classes and suffering, death and demoralization to the workers." Now, did you intend to refer, by that paragraph, to the other nations, or did you have also the attitude of the United States in mind? A. There is no reference in that paragraph to any particular nation. The paragraph refers to wars generally.

Q. You do not think the ordinary person hearing that read would gather that the people adopting this platform intended to include the United States there at all? A. Why, what it brings to the rest of the world it brings in a greater or less extent to the United States as a participant in the war.

Q. So we are in on that generalization? A. I think we are in on it. You will find many a grave in Europe that will let you know we are in on it.

(Discussion off the record.)

Q. (Reading): "The Socialist Party of the United States is unalterably opposed to the system of exploitation and class rule which is upheld and strengthened by military power and sham national patriotism. We, therefore, call upon the workers of all countries to refuse support to their governments in their wars. Now, do you not think a worker would naturally think that that appeal went to the workers of the United States, to refuse to support the Government of the United States in the war that had just been declared? A. Judge, I really believe that any worker of average intelligence, reading that statement, would know he is still expected to continue obeying the law; and that this statement was intended to convey that meaning, that any opposition he might express would have to be expressed through the channels that are legally provided; and I will say furthermore, this, Judge; that any worker not understanding that language would probably not have enough capacity to read a report of this kind.

Q. Now, let us take a man of just ordinary horse sense, somebody brought up in the country, where he has not had the advantages of attending Socialist meetings and getting instructed. Now, take that average man, and what do you say he would understand

by this sentence: "We, therefore, call upon the workers of all countries to refuse support to their governments in their wars." Now, does that mean that the workers shall give support to their governments or refuse to support their government? A. I will say this, Judge: it is conceivable that there are some people up in the country who might understand it as you have described it. Such workers are in need of considerable instruction.

(Discussion off the record.)

Q. Now, I want to get a concrete answer from you, Mr. Solomon, without any glossary: Do the words "refuse to support your governments" mean to you obedience to the law? Is that what it means? A. Why, exactly —

Q. Now, we will both assume this, and we will get along — A. I can refuse support to certain policies and still be law-abiding.

Q. "The wars of the contending national groups of capitalists are not the concern of the workers." Now, didn't you mean by that to say you working men are not concerned in this war that has just been declared by the government because it is a war representing contending national groups of capitalists; now, isn't that what it means? A. Judge, I wouldn't subscribe to that statement and I will tell you why not.

Q. You mean the statement in the platform? A. That you have just read from this manifesto about the concern of the workers. I think these wars are very definitely the concern of the workers. I think the workers are concerned first in making it impossible to have these wars, and after these wars have broken out I think it is the immediate and vital concern of the workers to see that they are terminated as soon as possible on the best possible terms for the people of the world, for the workers of the world. In that sense they are the immediate and vital concern of the workers.

Q. Now, the next sentence is this: "The only struggle which would justify the workers in taking up arms is the great struggle of the working classes of the world to free themselves from economic exploitation and political oppression, and we particularly warn the workers against the snare and delusion of so-called defensive warfare." Now, Mr. Solomon, doesn't that indicate to the ordinary mind that the war that we had just entered upon was not a war in which the workers should engage to assist their government to prosecute the war to a successful conclusion? A. It is intended to convey to the ordinary mind that the struggles

of contending nationalistic, capitalistic, groups are primarily and essentially the concern of those groups, that the workers have a concern in those struggles after the manner that I have just described, and the participation of the workers in such struggle should be governed and determined by the consideration and announcement in this sentence: "We should always be guided in this way: struggle for your own immediate betterment and for your ultimate emancipation from economic and political oppression. It is up to the workers to determine at any time how that struggle should express itself." This is nothing more than a regeneration of a traditional Socialist principle.

Q. Very good, but coming within a week after we entered the war, didn't it have a pointed and specific reference to the question whether the workers of America would support their government or would hold aloof? A. It was intended to characterize what should be the attitude of the workers of the world, including the workers of America, including the war generally and this war particularly.

Q. Now, at that time there were appeals being made all over America to the patriotic sentiment of the people calling upon the American people to come to the colors; isn't that so? A. Why, they called upon the American people to come to the colors in the name that they characterized as patriotism.

Q. Yes, patriotism. Now, sir, to meet and attack and demolish that appeal, did your party not then follow the words I have read with this statement: "As against the false doctrine of national patriotism, we uphold the ideal of international working class solidarity. In support of capitalism, we will not willingly give a single life or a single dollar. In support of the struggle of the workers for freedom, we pledge our all"? A. I deny that the party's utterances were directed to any effort that was being made and which you described a moment ago in the name of patriotism.

Q. You don't think that was intended to lessen the effect of the appeals to patriotism which were then being made? A. No, and furthermore, I was very familiar with this resolution and I did nothing at any time that might have brought about the consequence you have just described.

Q. You see the antithesis there, don't you, Mr. Solomon, as between the false doctrine of national patriotism and the ideal of international working class solidarity. Those are the two antithetical ideas? A. I say that there is a false doctrine of

national patriotism. I know it. I think I can demonstrate it, and I will do all in my power, in the future, I hope, to teach the workers of this country that there is a false doctrine of national patriotism. I will not confine my conduct in negative action. I will at the same time endeavor to acquaint them with what I understand is the true doctrine of national patriotism, and I will characterize any doctrine of national patriotism which is in the interests of the preservation, augmentation of the income of vested interests and which sends the workers in this or any other country into bloody fratricidal strife, I will characterize such a doctrine of national patriotism as a false doctrine.

Q. When, as the result of those appeals to national patriotism, are boys enlisted and marched towards the shores and towards the camps, did the Socialist Party encourage them to follow their flag or did they stand aside and wave the red flag and sing the Internationale? A. I never saw them stand aside and wave the red flag and sing the Internationale. I never saw them do anything to discourage them. I know they actively advised them to obey the law. I know many Socialists in my district who were heart and soul opposed to the war, went into the service and went across and many returned, and some have not. Inasmuch as I believe the war to be a capitalistic war, I, with a heavy heart, registered and complied with the law, and if it were not for the fact that I have a wife and two children, I would undoubtedly have been selected and I would have gone forth, obedient to the law, but believing all the time that my life might be sacrificed in the interests of vested interests here and elsewhere.

Q. You agree with this clause of the platform: "Our entrance into the European War was instigated by the predatory capitalists in the United States who boast of the enormous profit of seven billion dollars from the manufacture and sale of munitions and war supplies, and from the exportation of American food-stuffs and other necessaries. They are also deeply interested in the continuance of war, and the success of the Allied arms through their huge loans to the governments of the Allied powers, and through other commercial ties. It is the same interests which strive for capitalistic domination of the Western Hemisphere. The war in the United States against Germany cannot be justified even on the plea that it is a war in defense of American rights or American honor." A. Well, Judge, I missed you there. I did not follow every word you read, but I will say this, that I believe

that given large capitalist interests with the direct pronounced and overwhelming interest in a given war, that interest being an economic interest, you will have a powerful incentive to impel these capitalist groups upon a course which would express itself upon propaganda to foment war, and once having succeeded in fomenting war — in a general sort of way let me give you a little information along the lines that disclosures have been made in European Parliaments, and by European publicists to this effect: that there exists in Europe international rings for the purpose of fomenting international rivalries, and that these rings are directly and indirectly associated with persons who are profiteers in war goods before wars, during wars, and after wars, ammunition manufacturers on both sides, and if I have the time I will bring here for the Committee, so it might go into the record if the Committee so desires, disclosures to that effect by well-known publicists and parliamentarians in Europe.

Q. Did you openly espouse your support of this declaration of the war program? A. After the war, you mean?

Q. "We brand the declaration of war by our government as a crime against the people of the United States, and against the nations of the world. In all modern history there has been no war more unjustifiable than the war in which we are about to engage?" A. I believe the declaration of war by any government primarily in the interest of the dominant economic groups of the country in which that country exists is a crime against the great masses of the people of that country.

Q. Let me again ask you for a specific reply to this pointed declaration. "We brand the declaration of war by our government as a crime against the people of the United States, and against the nations of the world." Now, is that your conception, and was it your conception of the fact? A. I will say this, Judge, you know, I said in the early part of my testimony that I regarded it —

Q. Let us get an answer to it. A. I will give you an answer, Judge. I have no desire to reserve anything. I agree substantially with the St. Louis resolution. I did think some of the phraseology was perhaps a little bit extravagant, and I probably would not have called it a crime, but I am not going to haggle over them. It was essentially a crime, in the sense I defined it to you. I told you when a government declares war at the behest, whether conscious of that behest or not, at domination of the

capitalist interest, that is a crime against the interest of the great masses of the people of that country.

Q. Now, did you agree with this statement that we got into the war largely because certain capitalists in the United States had made seven billions of dollars from the sale of munitions, and that certain interests that had made loans to the allies were afraid that their loans might not be repaid unless we got into the war. As a matter of fact, do you agree with that statement of fact?

A. I am not ready to say that was the sole exclusive cause, or was solely and exclusively responsible for America's participation in the war. I would not be surprised to learn that was a contributing cause.

Q. Is there any other cause mentioned here? A. The general cause set forth quite liberally in the entire resolution namely, capitalists' aim of production and distribution which permits international commercial rivalries, which express themselves on occasion in international strife.

Q. Is there any cause referred to directly or indirectly in your party, by your resolution, that is creditable to the United States? If so, point it out. A. I say this: that the United States as a nation existing within the economic structure of the capitalist method of production and distribution is impelled by the same material, economic, historical motives as nations similarly located, and that the motives that would impel other nations upon a course leading to war might also impel the United States upon a similar course.

Q. Is there anything referred to in that resolution ascribing one single creditable motive to the United States in entering the war? A. What do you mean by creditable motive? I see what you mean. I want to make this definition. I want to make it perfectly clear that I do not believe that all persons who are associated with the government of the United States were conscious that they were entering the war for that reason. Surely, the overwhelming masses of the people of the United States were not as conscious of the causes of the war as I have just alleged as I was. I will say that the person who participated in the war after a time usually came to believe the things that were said about the war, that were said by the President of the United States, for example, but I still contend that the war itself grew out of the causes I have just described to you, and I would not say those causes were particularly creditable or discreditable. They

grew out of the system of wealth production and distribution, and I am not in the habit of ascribing credit or discredit to social phenomena.

Q. Now, Mr. Solomon, will you point out in the proceedings of the St. Louis convention any reference in your platform and resolutions as adopted, any reference to any decent, fair, creditable motive on the part of the United States in entering this war?

A. I will tell you what I will do with you; I am willing to concede that as far as most of the people were concerned, and most of the representatives of the people were concerned, for the sake of argument, that they believed that the motives were decent and fair, and everything else that you wish to attribute to them, or in any other manner that you wish to characterize them. It does not at all affect this fact: that I stick to my interpretation of the cause of this war and of most modern wars.

Q. I am speaking of the St. Louis platform and I again ask you whether there is anywhere in the war resolution on the permanent platform adopted at St. Louis, any suggestion that the United States had one single, decent, creditable motive for entering this war? A. I thought I had answered it, but I will answer it a bit fuller. The resolution was intended to be a condemnation of the war and an interpretation of the war, and it was that fully.

Q. And there isn't one single word in it, is there, that invites support to this government in the war which we had entered upon?

A. There isn't a single word in it in my judgment that advocates violation of the law.

Q. Are you quite satisfied now with that answer as a response to my question? A. That answer, taken in connection with my other answers I am substantially satisfied with.

Q. You don't think there is any evasion at all in that reply? A. I know there is no evasion.

Q. Or any other replies which you have made to my repeated questions whether there is anything in any of the declarations of your party at St. Louis suggesting to the American people or the world one single, decent reason or excuse for our going into this war? A. Do I have to make the same answers over again?

Q. I hope not. A. No, sir. May I ask you whether you are familiar with this statement that was made by President Wilson I think last year.

Q. I was going to read you next what President Wilson said why we went into the war and ask you then whether you thought the facts he states are fiction or fact.

Mr. Block.—We have a later utterance which perhaps may make it unnecessary to read his ancient history.

The Chairman.—I am inclined to stop now. We are all tired.

Mr. Conboy.—May I refer to this fact: there have been frequent references to discussions that took place at the convention in April, 1917. We have thus far been unable to obtain a copy of the proceedings of that convention. I understood that the proceedings of the conventions of the Socialist Party of America were printed and published.

Mr. Block.—Not all of them. Quite a number have not been printed.

Mr. Conboy.—We have had some of them here in book form, published in book form. Now, I would like to ascertain from the other side if it will be possible for us to obtain a copy of the proceedings of the St. Louis Convention of April, 1917?

Mr. Block.—They were never published, to the best of our knowledge.

Mr. Conboy.—That of course states that much. Will it be possible for us — will you procure and furnish to the Committee an official copy of the proceedings of the St. Louis Convention of April, 1917?

Mr. Block.—I don't know that there is any in existence that is procurable.

Mr. Conboy.—May I call upon Mr. Block, who has just answered the last question, or any other gentleman on the other side who desires to answer it, whether the proceedings of the St. Louis Convention of April, 1917, were recorded.

Mr. Block.—I don't think so. There may have been minutes taken by the secretary but no full report was ever published.

Mr. Conboy.—I understood you to say before that no full report was published, but I wanted to ascertain if it is possible to do it, whether there were full proceedings reported of that convention.

Mr. Block.—I have told you all I know about it. I have never seen a report of the proceedings of that convention.

Mr. Conboy.—Mr. Chairman, I think it is of considerable importance to the members of this Committee to have the full report of the April, 1917, convention.

Mr. Block.—You should have had a reporter present as you or some of your associates have had at other meetings, if you wanted it.

Mr. Conboy.—That may be a reply to my statement, but I still say we ought to have a copy of the April, 1917, convention proceedings held in St. Louis. We have made efforts to get them but have not been able to do so. I want to ascertain if the proceedings were reported, and if we can obtain them. It has been stated time and again that the proceedings of this convention were ordinarily published. I assume that some reporter was there, or some secretary who was taking the proceedings of that convention, and that in the archives of the Socialist Party of America, or some of its subsidiary organizations, there is a copy of the proceedings of that convention. I think a copy of the proceedings of that convention ought to be presented to this committee. For one thing, we have had reference to the remarks made with respect to the repeal of the anti-sabotage plank. We have no official copy of what transpired in that respect. With respect to this war platform we have nothing to aid us in ascertaining what was officially discussed in connection with the meanings of the terms that have been referred to herein, to which these gentlemen have given the meanings they desired to have ascribed to them.

We have in the same fashion no reference to the platform of the party itself. There may have been discussions with respect to the repudiation of war debts. There may have been discussions as to what was intended to be accomplished in connection with the resistance to conscription; and all of those things, in all likelihood, would be contained in the official report of the proceedings of that convention. I think that in this matter, in view of the importance that that particular convention has become to the committee, that this information should be furnished to the committee, with the record of the convention itself.

The Chairman.—Well, of course, I do not know about these conventions. Of course, sometimes they keep their minutes and sometimes they do not. They very seldom keep their speeches.

I think you can have a subpoena and subpoena anybody here in New York State. You had the secretary or assistant secretary here, and he might have been subpoenaed then. But look at it in another way: Here is the legislature in session and we have discussions, and then we finally pass a law. That law goes out as the law of the State. I do not know if, in the interpretation of that law the discussions would help. Possibly the discussions might help some; but I think they might be inclined to confuse it. Now, you have the manifesto issued by that convention —

Mr. Conboy.— We have the war platform and manifesto and the reference to the fact that the anti-sabotage plank was repealed then and there; and that is about all we have.

Mr. Stedman.— Conboy, how could it be binding on them unless they knew what took place.

Mr. Hillquit.— Might I state my position?

The Chairman.— I will issue the subpoena. That is the best I can do for you.

Mr. Conboy.— It may be that we can get them.

Mr. Stedman.— As far as the existence of such a record is concerned, I can state there never was a printed record of the proceedings except as printed from day to day in some Socialist papers and also less completely in non-Socialist papers. Whether there is an untranscribed stenographic record of the convention I am not at this time in a position to say. If there is one it is not transcribed. But I will say this as far as we are concerned we were ready and eager at the outset to secure all the material of aid and assistance to our friends. When these proceedings were opened I arose and offered a series of concessions. We were brushed aside with the expression, we will prove our own case without your aid. We have been now, I think about six weeks in this proceeding, haven't we, and just at the eve of the close of it our friends on the other side think they can see a new avenue which is no more than a fishing expedition. We have been brought here on definite charges and this should have been done before they started the proceedings and it is too late to seek new methods, new proof, not in their minds and possession at the time these men were expelled. And we say we shall not move a

hand to expedite or help protract this proceeding any longer We think it is time to close it.

The Chairman.— I will take care of that.

Mr. Conboy.— Just permit me to say one word in that connection. It was not until Mr. Waldman was on the witness-stand that he made reference to the explanation made at the convention with reference to the reason for the elimination of the anti-sabotage planks. Now I don't think that Mr. Hillquit after he confers with Mr. Stedman will say that the stenographic minutes of that proceedings have not been transcribed, because I think he will ascertain upon inquiry that they have been transcribed, that a copy is available and can be produced if necessary.

Mr. Hillquit.— You seem to know more than we do. Proceed.

Mr. Conboy.— No, I don't know anywhere near as much as you do.

The Chairman.— I will give you a subpoena. That is the best I can do. I shall not allow anything to delay the completion of this case.

Mr. Conboy.— I don't want you to get the impression that we are attempting to delay this case, that we should have produced proceedings of that convention here and have laid before this Committee the minutes of the convention itself. Now, the Committee at this time can, I think, by request of counsel secure the production of those proceedings. They can then be available for such purpose as the Committee desires to place them. We are merely adjuncts of the Committee. The entire matter is in the hands of the Committee. I am bringing this matter to the attention of the Committee and leave it with the Committee for such action as the Committee desires to take with respect to it.

The Chairman.— Here is your theory on that sabotage matter. You say Waldman offered an excuse why they repealed the provision. That doesn't make any difference how many excuses were offered. It was repealed.

Mr. Conboy.— Yes, sir.

The Chairman.—What of it. A man commits murder and apologizes for it afterwards. It doesn't change the situation.

Mr. Conboy.—Maybe we are seeking to establish more than we have to.

The Chairman.—I don't think an explanation of that kind is of very much importance.

Mr. Conboy.—All right, sir. I am satisfied with your statement.

By Assemblyman Evans:

Q. In your campaign with Hart did he accuse you of disloyalty because of the St. Louis platform? A. I don't recall it; not in my presence.

Q. Now, do you subscribe to the doctrine that violence is at all justifiable for the purpose of establishing any sort of a government?

Mr. Stedman.—You mean in reference to the United States.

Assemblyman Evans.—In reference to the United States, of course.

The Witness.—No, I don't subscribe to the doctrine of violence at all.

By Assemblyman Evans:

Q. Do you think the workers of the United States under any circumstances are justified in establishing a Socialist government by force and violence? A. Not in establishing it, no.

Q. Now, do you think that that declaration read to you, that the only time that arms would be justified is for the workers to free themselves from their economic slavery? Do you think that has reference to that or something else? A. To what.

Q. To establishing a Socialist government by force. A. It has reference to exactly what it states, in my judgment, efforts to free themselves from economic and political oppression.

Q. By means of arms? A. By means of arms? I wouldn't make that generalization at all, certainly not. I don't see any

reason why the workers in these United States today should resort to the use of arms.

Q. There is a clause in that book which says this: "The only struggle which would justify the workers in taking up arms is the great struggle of the working class of the world to free itself from economic exploitation." What does that mean? A. I would say this, that if the workers had expressed their will in a legal and constitutional way and in that way had manifested a desire to have a certain condition of affairs in which they believed they could effect freedom from economic and political exploitation, and after they had done that in the manner I have described they are set upon, they and the application of their expressed will, a minority defying the law, refusing to obey the law, under those circumstances these workers would have the same right to resort to force as we have in this country as a majority the right to resort to force to compel a minority to respect the law or will of the majority.

Q. Do you realize the explanation you gave is similar to the explanation Mr. Hillquit gave? A. Yes.

Q. Do you also realize that the explanation you gave is not similar to the explanation Mr. Lee gave while on the witness stand? A. I don't recall that.

Mr. Hillquit.—What was Mr. Lee's explanation?

By Assemblyman Evans:

Q. As I understood it, Mr. Hillquit interpreted that language to mean substantially what you did? A. Yes.

Q. That when Mr. Lee was on the witness stand, as I understood it, he interpreted that language to me, that the establishing of the Socialist Republic by force and arms, as set forth in that declaration, did not apply to the workers of the United States, but only to the workers in countries where they would legally establish a Socialist movement by means of the ballot? A. No, I think Mr. Lee was trying—

Q. That I understood was to be Mr. Lee's interpretation of that language. Now do you recognize that there is a difference between your interpretation and Mr. Lee's? A. Not exactly.

Mr. Block.—May I interrupt a moment, Mr. Evans?

The Witness.—I understood Mr. Lee to say that it was conceivable that there were circumstances that might justify the taking up of arms in a struggle to accomplish economic and political freedom, and that he was reciting circumstances which, in his judgment, constituted such a warranty.

Mr. Hillquit.—I want to say that it accords fully with Mr. Lee and is not in conflict with him. I think that where there are constitutional means, or parliamentary means, for carrying out political reform, those means should be resorted to and exhausted. Where there are no such means, as, for instance, say Russia before the revolution, or even before the Duma, the people have no other means than violent revolution to free themselves; and in such countries, where the people are not allowed to express themselves at the ballot box, I did conceive—and I did not mean to convey anything else—of a violent revolution.

By the Chairman:

Q. Now, just a question: When those two policemen came up to the street car strike, were they in plain clothes? A. Yes.

Q. And they afterwards showed their badges? A. They did not, Mr. Chairman. They did not wear any badges at all.

Q. They were in error in their testimony? A. Yes, they were in error in their testimony.

Mr. Sutherland.—We will go into that to-morrow.

By Assemblyman Caulfield:

Q. You stated there were about 200 that you addressed? A. I stated about that.

Q. I understood Mr. Stedman to ask you if, at these meetings, you were aware of the fact that the police and Secret Service men were present, to which I understood you to answer, that they were there; was I right? A. Well, I could not have been mistaken about the police, because I saw them at all these meetings.

Q. You did answer that they were, and I would like to make clear, in my mind, how you were aware that Secret Service men were present? A. I did not say that Secret Service men were present at each and every meeting.

Q. I understood the record that way. A. I did not intend to make that statement, because I could not possibly know that they were present at each and every meeting. I will say that I surmised at times, as stenographers were taking stenographic reports, that they reported to various governmental branches.

The Chairman.— We will adjourn until to-morrow at half-past ten.

(Whereupon, at 6:35 p. m., an adjournment was taken to Friday, February 27, 1920, at 10:30 p. m.)

STATE OF NEW YORK — ASSEMBLY CHAMBER

In the Matter of the Investigation by the Assembly of the State of New York as to the Qualifications of Louis Waldman, August Claessens, Samuel A. deWitt, Samuel Orr and Charles Solomon to Retain Their Seats in Said Body.

THE CAPITOL,

ALBANY, N. Y., *February 27*, 1920.

Present:

Hon. Louis M. Martin,
 Hon. George H. Rowe,
 Hon. James M. Lown,
 Hon. Edmund B. Jenks,
 Hon. Edward A. Everett,
 Hon. William W. Pellet,
 Hon. Edward J. Wilson,
 Hon. Charles M. Harrington,
 Hon. Harold E. Blodgett,
 Hon. Theodore Stitt,
 Hon. Louis A. Cuvillier,
 Hon. Maurice Bloch,
 Hon. William S. Evans.

Appearances:

For the Judiciary Committee:

Charles D. Newton,
 John B. Stanchfield,
 Arthur E. Sutherland,
 Elon R. Brown,
 Martin Conboy,
 Samuel E. Berger,
 Archibald E. Stevenson,
 Henry F. Wolff.

For the Socialists:

Morris Hillquit,
Seymour Stedman,
S. John Block,
Gilbert E. Roe,
William S. Karlin,
Walter Nelles.

LOUIS M. MARTIN, Chairman.

(The Committee met pursuant to adjournment at 10:45 A. M.)

CHARLES SOLOMON, recalled, testified as follows:

By Mr. Sutherland:

Q. You were not a delegate to the St. Louis Convention of 1917, were you, Mr. Solomon? A. I was not.

Q. You are aware, of course, that the permanent platform adopted at that convention and confirmed by referendum is still the law of the party? A. In a general sort of a way it is.

Q. Yes. No part of that permanent platform has been rescinded by a subsequent referendum? A. I don't know of any formal act of that character.

Q. Is there anything in the resolution of the proceedings of the emergency convention of 1919 which in your opinion modified or changes any principle of action adopted at the April, 1919, convention? A. I couldn't make a generalization on that point under the circumstances.

Q. Yes. You have not in mind any change in the platform of 1917 adopted by the convention in Chicago in September, 1919; you haven't any now? A. I have a general impression in mind of the proceedings of that convention, but I am not prepared to say at this moment under these circumstances that anything done in 1919 conflicts in any way with anything done in 1917, or the opposite.

Q. Very good. You were a delegate at the September, 1919, convention, were you not? A. Yes, sir.

Q. Which report did you vote for, the majority or minority report? A. I voted against the minority report.

Q. And did you vote against it in the referendum that was sent out? A. My attitude on the referendum, I will be very happy to tell you, is this—

Q. I just asked you if you voted against it. A. I did not vote for or against either report, and I am going to tell you why, if you want to listen.

Q. Yes, I will listen. I had not asked you that question, but I will be glad to have you explain it. A. Yes, I would like to explain it.

Q. Go on. A. I didn't vote for or against either of those reports for this reason: that I did not believe at that time and I do not believe at this time that the so-called Third International is a definite and final International. I did not think in Chicago, in 1919, that it was The International, and I do not think to-day it is The International. I take this position; that there is no International in the world to-day. There will be in the near future, I believe, an International. Efforts are being made to form an International. I regard the Moscow Internationale as one of the efforts in that direction, but I do not regard it as an International, — I do not think,— and for that reason I did not vote one way or the other in my branch, although in the convention I voted against the minority report for the reasons I have just stated to you.

Q. Did you vote for the manifesto issued by the Chicago September, 1919, convention? A. I did.

Q. Do you know what Mr. Trachtenberg says as to the similarity and phraseology and spirit of the manifesto issued by the September, 1919, convention in Chicago, and the proclamation or manifesto issued by Lenine, Trotsky and three others from Moscow in March, 1919; do you recall that? A. From what I have heard here, I understand that Mr. Trachtenberg is of that opinion.

Q. He contributed an article setting forth his views to the New York Call? A. So I understand from what transpired here.

Q. Aren't you connected with the New York Call? A. I am not.

Q. You were for several years? A. Sometime ago.

Q. How long ago? A. A few years ago I was a reporter and copy reader on the staff of the Call.

Q. Would you be able to say whether you were connected with the New York Call at the time it published the article that has been read here containing the expression, "To hell with the Flag"? A. No, I was not.

Q. What years were you on the New York Call? A. I think I can refer to some memoranda.

Q. Go ahead. I want you to be accurate about it? A. But I am certain I was not on the Call when that article appeared. I am quite certain of that. Well, I think I was on the New York Call, from a memorandum I have, for about two years before 1914. I was on the New York Call when the Industrial Relations Commission was in session. The exact year of that I do not recall. I know I was a reporter at that time covering the sessions of that commission.

Q. You were on it in 1912? A. No, I do not think I was. I cannot recall it at this moment. No, I am quite sure I was not.

Q. Excuse me a moment. There is a U. Solomon that may have been on the Call at that time. He was its business manager. A. My name is Charles Solomon and I am not related to him in any way.

Q. I am not referring to U. Solomon. Just to refresh your recollection, and not to offer it in evidence, I want to show you that document and ask you to see if that does not refresh your recollection and convince you that you were working on the New York Call as a reporter in 1912. You read it and see if it don't refresh your recollection on that point (handing paper to witness).

A. That may be so. I didn't say definitely I wasn't — I said my recollection was that I wasn't.

Q. All I want to get is the fact. Now do you say to the Committee that you were working on the New York Call in 1912 or not? A. I will say that indicates I was. I cannot recall whether I worked on the Call at this moment in 1912, but I have no reason to believe that is a false report.

Q. Then can we assume that you did without doing you any injustice? A. Yes.

Q. Now you didn't happen to read the proof of the article that I referred to in the New York Call containing the expression "To hell with the Flag," and so on? A. I didn't for this reason: I think that article appeared on the editorial page and I had no connection with the editorial page.

Q. Have you been a pretty consistent reader of the New York Call? A. When I was on it I was a copy reader and as such I read the news copy.

Q. Is that an answer to that question? A. You want me to say

I was a consistent reader? I haven't any objections to saying it.

Q. I didn't suppose you would have. You are proud of the Call, are you not? A. In a general sort of a way, yes; although it has its faults. I speak as a newspaper man.

Q. Nobody is perfect in this world. You consider the New York Call a pretty good exponent of the Socialist doctrine? A. Yes, it is a pretty good exponent.

Q. Is there anything better in the way of a newspaper? A. I think the Call could be better.

Q. Is there any newspaper which is a better exponent of Socialist principles than the New York Call? A. I don't know any daily newspaper that is a better one.

Q. We won't do the Socialists any injustice then, will we, by saying that the Call is a representative Socialist paper? A. Why, I will say that it is, within the limitations that I have stated, a representative Socialist paper.

Q. All right.

Q. Have you ever read the Moscow Manifesto of March, 1919? A. I became acquainted with the Moscow Manifesto for the first time when it was read in this proceeding.

Q. You had never read it before that time? A. Never before that time.

Q. Do you not agree with the statement made by one of the Socialist witnesses that the manifesto attracted a great deal of attention during the year 1919, and had a wide circulation and reading among the Socialists? A. Well, I am not aware that it attracted any great deal of attention. It was not brought to my attention.

Q. Was not an extended reference to it made in the Call of July, 1919? A. I do not recall it.

Q. You did not happen to see that? A. I did not.

Q. And at your convention in 1919, in Chicago, do you mean to tell us now, Mr. Solomon, that that manifesto was not in circulation and was not discussed by the delegates in their conferences, one with the other? A. Well, as far as I know, it was not in circulation. I did not get a copy of it and I never knew anyone in the convention that got a copy. There may have been some delegates who discussed it among themselves.

Q. Don't you know that we have shown that, as early as in May, 1919, that document was being circulated by the literature

department connected with your headquarters office in Chicago?
 A. If you have shown that, it has absolutely no effect on the statements that I have made.

Q. Well, do you not think that would have shown that? Do you not credit the language of Mr. Firth? A. I do not recall it, but if you say so, I will accept it.

Q. Do you not know that we have had a great deal of discussion about a letter written by Mr. Firth, in which he declares that this Moscow Manifesto is the most important pronouncement since the manifesto of Marx and Engels? A. Well, if he said so, I disagree with him.

Q. Well, it attracted some attention, did it not, among the faithful?

Mr. Block.— No.

A. I tell you honestly that I did not know anything about it until it was read here.

Q. Well, that is your testimony? A. That is my testimony.

Q. Are you sure that you did not read that double column of heavy type reference to it in the July, 1919, Call? A. I am certain.

Q. Where were you in July, 1919? A. In New York city, as near as I recall.

Q. And you were engaged in a campaign, were you not? A. Yes.

Q. The latter part of July, you were holding public meetings? A. The latter part of July?

Q. Yes, 1919? A. It is probable. I do not recall at this moment.

Q. When did your campaign begin for re-election to the Assembly? A. Oh, about that time. It may not have begun exactly at that time, but about that time. When you say "begin" it may have begun, as far as preparation for the campaign is concerned, about that time.

Q. Did you ever read the Zimmerwald program of 1915? A. I do not recall at this time whether I did or not. I may have read it.

Q. Did you ever read the Kienthal manifesto of 1916? A. On that score I would be more positive. I do not think I ever read it.

Q. You know both advocate the general strike as an instrument to be used by the working people to gain their political ends? A. That is my impression.

Q. You believe in that doctrine? A. I believe in what doctrine?

Q. That the general strike is a legitimate instrument to be utilized by the working people to gain their political ends? A. I did not say I believed in that doctrine. I believe this: that the concern of the working people to determine whether they shall strike, and when they shall strike, I believe the working people have a right to strike as frequently as possible.

Q. Is there something about a strike which, just because it is a strike, attracts your support? A. I am interested in all strikes.

Q. Are you for all strikes, or do you inquire into the causes before you pledge your allegiance? A. I would not say I am for all strikes.

Q. Do you remember the riot over on the railroad tracks in Brooklyn? A. There was no riot there.

Q. Mr. Inspector McElroy and Lieutenant Ahlers were here as witnesses; were you present when they gave their testimony? A. I was.

Q. Do you deny the truth of their statements as to the occurrences on that occasion? A. In the manner that I have denied them on this stand yesterday.

Q. Do you deny that there were placed obstructions on the railroad track extending for several hundred feet? A. I do not know whether they extended for several hundred feet, but I said yesterday, when I came upon the scene, there were pieces of asphalt on the railroad track.

Q. Do you regard that as a lawful act on the part of those people who put them there? A. No.

Q. These police officers testify that when they arrived there were about two thousand people congregated there; how do you agree with that or disagree? A. I do not think there were as many as two thousand.

Q. What would you say was the number of people in that congregation? A. Well, I do not think there were more than about five hundred.

Q. Do you agree that a boy, while the police were there, placed another obstruction under the car wheels and was arrested? A. I did not see a boy do that.

Q. Did you see these policemen and others attempt to remove the obstructions from the track? A. When I came upon the scene the obstructions were on the tracks, and I saw the policemen scattering the crowd to the sidewalk, keeping them to the sidewalk.

Q. About how many policemen did you see there? A. I do not know how many were there, but I recall having seen several.

Q. You saw Inspector McElroy, didn't you? A. I saw Inspector McElroy under the circumstances and in the manner I stated here yesterday.

Q. How long have you known the inspector? A. I saw him for the first time at the May day parade.

Q. How long before this street car affair was that? A. The street car affair I understand was in August, and the May day parade was on the first of May, or approximately that.

Q. Did you know the Lieutenant also, Ahlers? A. No, I didn't.

Q. Did you deny that Ahlers and McElroy had their shields on their coats? A. That is my recollection that they didn't have.

Q. Will you say positively that they didn't have their shields? A. I will say it is my distinct impression.

Q. Well, McElroy didn't have to wear a shield to prove to you that he was a member of the police force? A. He didn't.

Q. You knew he was there? A. I did.

Q. And you didn't think he was there on private business? A. I didn't say I thought so.

Q. You didn't then think he was there on private business? A. My impression was that he was still a representative of the New York police force.

Q. And there in the discharge of his duty as a representative of the police department of New York city? A. Presumably, Judge, I couldn't know whether he was still in the police department.

Q. All right. We are going to close this up if you will answer my questions.

Q. Mr. Solomon, did you see Lieutenant Ahlers assaulted by the crowd there? A. I didn't.

Q. Do you discredit his statement and that of Inspector McElroy that he was assaulted by the crowd, struck with fists and stones and kicked while he was endeavoring to convey his prisoner to this automobile? A. While I was there that did not happen. It may have happened after I left.

Q. And do you discredit Mr. McElroy's statement that he came to the rescue of his fellow officer and used his club to effect the rescue of his fellow officer from the hands of that crowd? A.

Judge, he may have done that after I left but I told you yesterday what I saw when I was there.

Q. You didn't see any such thing? A. Not while I was there.

Q. Now, Mr. Solomon, these two officers testified that while this melee was in its height you cried out to that crowd, "Pull the scabs off the cars." You deny that? A. I deny that.

Q. There was what you thought a strike on, was there, at that time? A. What I thought was a strike.

Q. Where did you hear that there was a strike on on that occasion? A. Well, there was discussion in the public press in New York city before the strike occurred. It was recognized as a strike when it occurred by the newspapers of New York city and so referred to.

Q. And because you heard that this strike was on you went over in that locality, did you? A. Not because I heard it, I simply happened to be walking along the street, along which I walk practically every day in the community there.

Q. What is your business now, Mr. Solomon? A. I was a member of the Legislature last year. Before that time I was executive secretary to the Socialist delegation in New York city, board of aldermen. When I was there I was also studying law at night. I have been a newspaper man.

Q. In 1919, what was your business? A. Member of the Legislature.

Q. Did you have any work to do or any means of occupation which took your time in August, 1919, at the time of this trouble on the railroad? A. August, 1919?

Q. Yes. A. I was engaged in various activities, amongst them I think I was at that time handling the political activities of the district of the party.

Q. That function of yours didn't lead you over to this vicinity of the strike? A. No, had no connection.

Q. Just happened to be there? A. I was just walking by. There were about 500 others there.

Q. Did you hear anybody holler "Take the scabs off the cars?" A. I did not.

Q. Did you hear the word "scab" used at all? A. Yes.

Q. By whom? A. People in the crowd, in conversation.

Q. That wasn't a strike, was it, over wages or hours or conditions of work, but it was a row between two unions? A. I didn't so understand it.

Q. Is it not a fact, as stated by Inspector McElroy and Lieutenant Ahlers, that there were two organizations, one recognized by the railroads and the other the Amalgamated, which was trying to force the railroad to recognize it rather than the Association of Workmen that the railroad had recognized? A. I know that there was an association known as the Amalgamated. It is my understanding there was also an association that might be called a company union. I do not know that the strike arose because of any friction or conflict between those two associations. I would not be surprised to learn that the company preferred the company union to the Amalgamated. It is my understanding that the Amalgamated struck for increased wages, reduced hours of labor, and also recognition of the union.

Q. Are your sympathies with the Amalgamated? A. Always with the regular union against any so-called company union.

Q. Now, they were very strongly with the Amalgamated in August, 1919? A. They were.

Q. And did you regard the company union as scabs? A. I would not regard any company union as a real union, because I do not believe a company would form a real union.

Q. Did you use that word "scab," or is it something offensive that you did not want to use? A. I have used it on occasions. It is something in common usage among labor men.

Q. Well, did you feel that the men of the company union, that were on those cars at that time, fell within your category of "scabs?" A. I felt that.

Q. Were there human beings on those cars besides the employees of the railroad? A. I do not recall having seen any on those particular cars at that particular place.

Q. Did any cars come up there while you were there? A. I recall, I think, two cars came up there.

Q. Were there not any passengers on those cars? A. I do not recall that there were passengers on them.

Q. Was that a place where cars congregated? Was it a terminal or was it a part of their regular system? A. The latter.

Q. And as a result of something there, a stoppage that occurred of the traffic and the cars had been prevented from going on; an obstruction had been piled on the track? A. I said so.

Q. Do you mean to say, sir, that you did not co-operate, aid and encourage the people who were engaged in that demonstration against the operation of the cars? A. I mean to say

that my conduct was confined completely and exclusively to the acts that I have described on this stand.

Q. Won't you try to answer that last question? A. I thought that was a complete answer.

Q. You think it is? A. Yes.

Q. Now, let me ask you if you did anything in aid of the demonstration against the movement of the cars on that occasion? A. I did not.

Q. You were in sympathy with the demonstration, were you not, Mr. Solomon? A. I was in sympathy with the demonstration in so far as it was a manifestation of sympathy with the strikers.

Q. Well, were you not in sympathy with the acts of these people in actually stopping the traffic there on the line? A. I am in sympathy with no unlawful acts.

Q. Well, call them what you please; were you in sympathy with the stopping of those cars? A. Through the medium of the strike, absolutely.

Mr. Hillquit.— You mean obstructions?

Q. You mean to disapprove, however, of the piling of obstructions on the track? A. Yes. They were totally superfluous, those obstructions. The cars were effectively stopped otherwise.

Q. What stopped those cars? A. The failure of the presence of men to run them in sufficient numbers.

Q. Now, was that it? A. What is that?

Q. Was that what stopped the cars? A. You say what would have stopped those cars?

Q. Yes? A. I say in the course of time the extension of the strike would have stopped the cars.

Q. Did you not say a moment ago, that the obstructions were unnecessary; that the cars would have stopped anyway? A. Yes.

Q. I was going to ask you, then, if the men on those cars absolutely deserted the cars? A. I did not say the men deserted them, and when I say they would have stopped, I did not mean those two cars. I was referring to the cars constituting the trolley system. They were quite effectively paralyzed and would have been more so as the strike went on.

Q. Do you agree, as Inspector McElroy says, that only one man laid off that morning? A. It is my impression that many more than one man laid off.

Q. Now, these cars were running and were manned by employees? A. I said they were.

Q. And they were stopped by force, by demonstration of numbers there, weren't they? A. They were stopped because obstructions were on the track.

Q. Do you discredit the fact that the people who were endeavoring to remove those obstructions were interfered with by the crowd? A. I said that I saw no interference with the police officers.

Q. And I am asking you whether you discredit what these men said.

Mr. Hillquit.—I object to that question. The Chair has ruled repeatedly in our case that characterization of the testimony of the witness is improper testimony.

(Question withdrawn.)

Q. Have you said there was no riot there that day or that you did not see any riotous demonstration? A. While I was there I did not see anything which at the moment I would have described as a riot. When I refer to a riot, in my mind I have a conception of tumult and assault.

Q. What you call a riot, where a crowd puts on to an officer with stones and sticks and blows from the fist in order to rescue a prisoner, would you call that a riot? A. I would call that a riot.

Q. You have read the definitions of riot, haven't you, in the Penal Law, in your law studies? A. I suppose I have.

Q. Haven't you? A. I will say I have.

Q. Then it won't be necessary for anybody to tell you what a riot is, will it; an interference with an officer in order to free a prisoner, persons interfering with an officer, using force and violence, is a serious offense against our law, isn't it? A. It is an offense.

Q. Isn't it a serious offense? A. It is a serious offense.

Q. Didn't anybody inform you, Mr. Solomon, that that sort of thing had actually taken place there that day? A. What sort of thing?

Q. That officers were assaulted in order to free a prisoner that was in their custody; didn't anybody tell you that? A. No.

Q. Was there anything about the occurrence and the appearance of things that would lead you to doubt the inaccuracy of Inspector McElroy's report that he made in writing that very day to his superior officer?

Mr. Stedman.— Objected to as incompetent.

The Chairman.— You may answer that. A. Really, I don't know the complete meaning of the question.

Q. If you don't understand it I will withdraw it and ask another one. A. Yes.

Q. Did Inspector McElroy, as far as you know, have any grudge against you? A. I don't know whether he had any grudge against me.

Q. You and he never had any falling out before this occasion? A. No.

Q. Can you imagine any reason why he on that very day that that trouble occurred should sit down and write to his superior officer a report in which he said that you in the midst of this tumult shouted out "take the scabs off the cars"?

Mr. Hillquit.— It was not his testimony, Judge. "Why don't you assault the scabs," was his testimony.

Q. Let's read what he wrote so there will be no question about that; I am referring to the written report made by police inspector, the police inspector of the 11th District, made on August 6, 1919. Now, let me read from that written report made that day: "During the time that these stones were being thrown and the people struggling and assaulting Lieutenant Ahlers and myself, I recognized Assemblyman Solomon of this district, who forced his way among the people, shouting, 'Pull the scabs off the cars.' He then addressed me by saying, 'Why don't you pull the scabs off the cars, why don't you assault them?' I replied by saying, 'Assemblyman, you are a lawmaker and an officer of this state and instead of assisting me to restore order you are interfering with me and encouraging this disorderly mob in violating the law. I now advise you to go on and mind your own business.'" Now, do you know of any personal reason of ill-will why Inspector McElroy should have written that report about you if it was not true? A. I do not know of any personal reason of ill will.

Q. Now, it is sure, isn't it, that that letter having been written that very day, he has come up here and told the story here in order to interfere with your holding your seat as an Assemblyman?

Mr. Stedman.— I want to object to that as argumentative.

Mr. Sutherland.— Well, I will withdraw the question. It is pretty apparent.

Q. Now, you claim that Wasserman has not told the facts about your statements to him? A. I do.

Q. You claim that Hart's testimony is not true? A. I do.

Q. In which he has told of your public expressions; you claim that Inspector McElroy has given testimony that is not true? A. I do.

Q. And Lieutenant Ahlers has given testimony that is not true? A. I do.

Q. And that this Miss Chivers, or whatever her name is? A. Oh, most emphatically.

Q. So that five of them — A. I want you to bear in mind this, Judge, that in the case of some of these witnesses we disagree as to what happened.

Q. On the occasion when the recruiting outfit came along and interfered with your meeting didn't you make any remark at all to the crowd on the subject of the war? A. I did not.

Q. You did not refer, after your meeting got together again, to the occurrence which you had witnessed of these soldiers appealing to the crowd to support the government in the war; you did not make any reference to that? A. I do not recall any reference to that.

Q. You made no reference to the fact that young men right out of that crowd stepped to the front and walked up and put their services at the command of the country? A. I said nothing about that.

Q. That didn't call for any remark from you at all? A. I made no remark about it.

Q. Did you know that a boy in your audience, a 15-year-old boy, had said that the soldiers who were getting recruits in that presence for the army were cannibals?

Mr. Block.— That is not in evidence. That was in the audience across the street, and not at his audience.

By Mr. Sutherland:

Q. I don't think it does show where the boy came from.

The Chairman.— No, it says he was around the corner there.

By Mr. Sutherland:

Q. Now, do you know that a boy said that and was placed under arrest? A. I did not.

Q. When did you first hear about that? A. Here.

Q. You didn't hear about that incident at all until you came into this chamber? A. I didn't.

Q. Nothing had been said about cannibals by you? A. No.

Q. No reference made to the iniquity of enlistment? A. None.

Q. No reference to the fact that this war was a capitalist war? A. No.

Q. Didn't you ever state that from your platform there? A. No.

Q. That the only reason why the country went into it was because the munition makers wanted to make more millions and that Morgan and the other Wall Street plutocrats were afraid they wouldn't get their loans back if we didn't go into this? A. I did not.

Q. You didn't say that the only struggle in which workingmen would be justified in taking up arms is the struggle of the working people against the capitalist class? A. I did not.

Q. Didn't use any of those quotations from the St. Louis platform of 1917? A. I did not.

Q. Did you ever use any of them? A. I don't recall ever having used them after the war broke out.

Q. Were they truths that couldn't be suppressed in your mind? A. They were truths that couldn't be suppressed.

Q. Why didn't you give utterance to them if you believed them true? A. It wasn't necessary. I wasn't speaking on war; I was speaking on the ratification of the suffrage amendment.

Q. Could you keep a crowd together on that subject in the days of the war? A. Yes.

Mr. Block.— Judge, you never heard him make a street speech.

Mr. Sutherland.— Well, I've had a lot of good luck in my life (laughter).

The Witness.— I would be more generous to you, Judge, any time.

By Mr. Sutherland:

Q. Now, Mr. Solomon, did you read the President's proclamation or message to Congress which immediately preceded the Con-

gressional declaration of war? A. I think I read pretty nearly all of his proclamations.

Q. That one in particular you read, didn't you? A. I must have read it.

Q. Do you remember his calling attention to the interference with our lawful commerce on the high seas by Germany? A. I recall he directed the attention of the nation to that fact.

Q. Did that appeal to you as an actual interference with American rights? A. Not from my point of view.

Q. Do you remember his reference to the fact that while we were harboring here in Washington the German Embassy that they were engaged in efforts to embroil us as a nation with Mexico and Japan? A. If you say he said so, I don't dispute it for a moment.

Q. Didn't that make any impression? A. I recall that statement having been made, yes, quite generally.

Q. Yes. Don't you remember that when the President stood up before Congress he also told them that the proofs were indubitable that Germany, through their agents, emissaries and spies in this country, had been engaged in systematic efforts to interfere with our industry and to start local disturbances and internal trouble? A. I don't recall those exact words or sentiments. I have no cause to doubt he said that.

Q. Didn't that make some impression on you? A. Yes, things I read make some impression on me.

Q. Didn't you think at that time, Mr. Solomon, that those occurrences constituted an actual offense against our national rights and against our national honor? A. I consider that an offense.

Q. Didn't you consider these things aggressive acts? A. Well, I don't know what your conception of the word aggressive is. I consider it an offense, and even aggressive.

Q. Now, under those circumstances, why didn't you stand up and do your part towards supporting your government in its prosecution of that war?

Mr. Stedman.— I object to that question.

Mr. Sutherland.— I will withdraw that question.

Q. Did those circumstances and the declaration of war by Congress and the entry of this country upon the war not appeal to you as furnishing a reason why you shouldn't stand up on your platform and co-operate and ask the boys to enlist and ask the

people to buy Liberty Bonds and to support their country in this struggle in which we were engaged?

Mr. Stedman.—I object, unless we know which question he is asking.

The Chairman.—He may answer the best he can.

The Witness.—Judge, I was against the war. I didn't ask anybody to enlist. I didn't ask anybody to buy Liberty Bonds. I didn't advise directly or indirectly anybody to violate the law. I complied with the law myself; I registered; I complied in every sense and respect. I was exempted because I had a wife and had two children. I told you yesterday, if I had been called I would have gone.

Q. Well, you didn't mean to leave the impression that would have been out of your own volition? A. I said I would have gone with a heavy heart. I am quite sure I would not have gone freely and willingly.

Q. Certainly not. I do not think we misunderstood you at all. You approved, didn't you, of the plank in your permanent party platform for the nullification of war debts? A. I did not know it was in there.

Q. When did you find out for the first time that plank was in there? A. I think I really found out for the first time during the progress of this investigation here.

Q. Now, that is your last word on that, is it, Mr. Solomon, that you did not know that nullification of war debts was in your party platform until you got into this proceeding in which we are now engaged in? A. I do not recall of having known it before.

Q. Now, does it strike you as sound or vicious from the standpoint of American honor? A. From the standpoint of American honor?

Q. Yes. A. What do you mean by American honor?

Q. From the standpoint of American honor, how does it strike you, that plank in the Socialist platform for repudiation of war debt?

Mr. Stedman.—I do not object to his asking whether he thinks it was wise, just or unjust, or what the future effect of it might be.

The Chairman.—Suppose you strike out "from the standpoint of American honor" and let him answer the question.

Q. May I ask what your views are as to whether the American government should or should not repudiate the debt incurred for the prosecution of the war? A. Well, I would not answer that generally, Judge. That would depend altogether upon the circumstances. If I were satisfied that it would be in the interest of the country and humanity to repudiate the war debt, that would be my opinion.

Q. Well, are you not prepared now to give a direct, clear and unequivocal answer to this question: do you or do you not favor the repudiation of the debt incurred by the United States government in the prosecution of the late war? A. I will not say at this time that I favor the repudiation of the war debt. I will not make such an unqualified statement.

Q. Will you go farther and say that you are against the repudiation of the war debt by the government? A. No, I won't say that.

Q. Do you realize that about twenty millions of Americans — millions of them being laboring men working for wages — have bought Liberty Bonds? A. I did not know that that number had bought them, but I supposed you know.

Q. Can we assume that and then ask if you had any such knowledge or information prior to this time? A. I knew that Liberty Bonds had been generally purchased.

Q. And that many millions of Americans had bought them? A. I guess so, yes.

Q. Have you ever said from the platform that you favored the purchase of Liberty Bonds? A. I did not.

Q. Have you ever said from the platform that you did not know whether folks ought to buy them or not? A. I did not.

Q. Now, I want to ask you about some of your speeches made recently. You remember pretty well the meeting of November 7, 1919, in Bronxville Labor Lyceum? A. November 7th?

Q. Yes. A. Is that the Soviet Anniversary meeting?

Q. Yes. A. Yes, I remember that.

Q. You presided at that meeting, did you not? A. I did.

Q. Do you remember the speaker, James Oneal? A. I do.

Q. He is a well-known man in your party, is he not? A. He is.

Q. Of his speech, and immediately after its delivery, did you say to the audience as follows—and I am reading now from the reprint of the stenographer's minutes—"Chairman Solomon. Comrades, I think so much of that speech"—referring to Oneal's speech,

that we are going to ask our good friend who is taking it, the stenographer in the corner, I presume for the police authorities, or for the Department of Justice, to please transcribe a copy of it for us. We will be happy to pay anything within reason for a transcript of that speech. I think it was a fine speech. I think the Socialist party will be happy to print it in the form of a pamphlet, so that we may distribute it or sell it as propaganda literature. (Great applause.) The pity of it is this, that when the police officials or the Department of Justice agents read that speech, finding nothing in it that in their judgment is seditious or violative of the law, they will pass it up, unappreciative of the splendid message that it contains." Now, did you say that? A. I said that, as I recall.

Q. Now, I want to read you a few extracts from the speech of Mr. Oneal. Now, you were not joking at that time? A. I was rather exuberant.

Q. Well now, you meant what you said, did you not? A. Yes, substantially.

Q. All right. Now, I am going to read you from the stenographer's transcript of Mr. Oneal's speech: "But, they say that there have been violences in Russia. Some violence in a revolution! Just imagine: Do they think a revolution is a pink tea party, for men and women to gather around the table and say, 'Now, let us have a revolution. Have a drink with me. Let us have a drink. Let us drink to the success of the revolution,'—and then you go out and slap a Bolsheviki on the wrist and say 'Please depart; we want a little revolution.' (Laughter.) Is that the way you have a revolution? Every tremendous appeal in the world's history that has brought about new institutions, every great revolution, the French Revolution, the American Revolution, the Russian Revolution — all such revolutions have been accompanied with more or less violence, and it is impossible to dispense with it."

Later on, he says: "So that there is not a crime, there is not an atrocity, there is not an injustice that is charged against the ruling party in Russia but can be brought, to a large extent, with equal, with more justice, against many of the politicians and the administration in the United States to-day." He said those things, did he not? A. I recall him as having said those things.

Q. Now, did he say this: "What they hold up to us is an image of their own rotten, dirty regime in the United States,

and this particular thing, this vile thing that they have made a thing of hatred and disgust throughout the United States, they have labeled it the Bolsheviki." Now, he said that, didn't he? A. I recall him as having said that.

Q. And when he said that he was referring to what the critics of the Russian administration at that time were saying about the Bolshevist? A. Yes, sir.

Q. In reply to that Oneal says, "what they," that is, the critics of the Bolsheviks in America, "What they hold up to us is an image of their own rotten, dirty regime in the United States, and this particular thing, this vile thing that they have made a thing of hatred and disgust throughout the United States they have labeled it the Bolsheviki." Did you agree with that sentiment? A. Substantially.

Q. Now, let me read the rest: "We have a big struggle before us. They would like to goad us into some conduct that would enable them to crush us, but we shall not play their game; we shall continue our efforts along peaceful, intelligent, educational lines, knowing that in the last analysis that once we reach the heart, the brain, the conscience of the great master of the American people, come what will, gags, chains, jails, cannot prevent us from transforming the United States into a genuine, thorough-going industrial democracy of socialism." He said that, didn't he? A. Yes, sir.

Mr. Hillquit.—The phrase "great master" should be "great masses," that is what the record is, although you have it the other way in your brief.

Mr. Sutherland.—We will go by the record then.

Q. "That may be years, but it may be only a few years. My judgment is that if Europe goes Socialist — and the bankers of the United States who return from Europe are afraid that it is going to go Socialist within the next year — if it does go Socialist, capitalism cannot permanently last in the Western Hemisphere; it has got to go Socialist also." He said that, didn't he? A. Yes, sir.

Q. Now, let me refer to one or two other things, Mr. Solomon. Do you deny that in a street speech in August, 1919, you, referring to your opponent Zucker, denied Zucker's statement that you were not a revolutionary Socialist? A. I never denied I am a revolutionary Socialist.

Q. Are you a revolutionary Socialist? A. Yes, in the sense that those terms have been defined here again, again and again.

Q. Do you deny the statement attributed to you by Mr. Hart, as follows: "Revolution does not necessarily mean bloodshed. All you have to do is walk up and take control of the government." "Suppose somebody opposes you when you do that?", and you replied "We expect that. There are the tools of the capitalists and parasites that prey upon the government as it exists to-day, and people who are fanatic in their belief, and we expect some opposition; but if these people oppose us, their blood will be on their own heads" ? A. I deny having used those words to him or anybody else.

Q. Do you deny saying to Hart as follows — did you say substantially those words. A. Not substantially those words.

Q. Did you say to Hart these words, in substance, "Mr. Hart does not seem to realize" — this is in an open meeting — "Mr. Hart does not seem to realize the enormous proportions this revolution is going to take. There will be nothing which will be able to hold the wrath of the working class in check. They will be able to sweep aside like chaff in the wind the opposition of four million men?" A. I did not use those words to him.

Q. Did Mr. Hart ever say to you the American Legion would be against the Socialists if they attempted to put across their program? A. In the debate he referred to the American Legion as a probable bulwark between the Socialists and the realization of their ideals, and I will tell you the manner in which he referred to that, and what I said in reply.

Q. Didn't you on that line, in connection with that statement of his, use the words which I have just read "They will be able to sweep aside like chaff in the wind the opposition of four million men?" A. I did not, and I will tell you what I did say if you are interested to hear it.

Q. Then go ahead and state. A. (continuing) — We were in a political debate. In the course of his argument, he made the statement about the American Legion in the manner I have just recited it to you, whereupon I said to him substantially this: That if the overwhelming mass of the people express their desire for a social change, did I understand him to be saying that the American Legion would be used as a military dictatorship to frustrate the will of the people? I wanted to know from him if he was going to stand by the contention that they were going to prevent the majority, the overwhelming majority of the people from realizing their

desire expressed in a legal and constitutional way. That was the implication of his remarks I strenuously resented then and that is the implication I resent now. He didn't deny it.

Q. Have you ever had your attention called to the antagonism between that section of the State Constitution requiring the maintenance of a militia of not less than ten thousand men, armed, equipped, disciplined and ready for action, and requiring the Legislature to make annual appropriations in support thereof and the clause put into your national constitution in the year 1915, that any member shall be expelled from the Socialist party who votes any money in support of a military or naval establishment.

A. No, sir.

Q. You never discovered the antagonism of those two sections until you got into this proceeding? A. I do not realize there is an antagonism even now.

Q. You are not yet convinced that those two propositions are opposed to each other? A. By no means finally convinced.

Q. What are you waiting for now? What further word in order to convince you? A. I cannot say what further word specifically I am waiting for. I will tell you quite frankly, I am open to conviction.

Q. Could you suggest what would furnish you conviction on that subject? A. You mean comprehensively and completely?

Q. Yes? A. I wouldn't undertake to do it.

Q. You do not find that antagonism from the language used? A. I do not.

Q. There isn't anything obscure in the language, either in your party constitution or in the Constitution of the State, is there? You don't have to get an interpreter or a master of dialects to tell you what either section means, that in the Constitution of the State or of your party? A. No, I wouldn't require such a master.

Q. Do you really and honestly think that you can obey the Constitution of the State and that section of the constitution of your party? A. I still think so.

By Assemblyman Everett:

Q. Which one did you obey when you voted against the appropriation that provided for the support of the militia? A. I obeyed the State Constitution and I also think I obeyed the constitution of the party.

Q. Well, you certainly know that you obeyed the constitution of the party, don't you? I would like yes or no? A. Yes.

Q. That is all. A. I also know I obeyed the Constitution of the State.

By Mr. Sutherland:

Q. Mr. Solomon, were you asked by your counsel concerning the practice of signing resignations amongst the Socialists who are elected to public office? A. They didn't ask me anything about that.

Q. You said that you had never heard of that being done, did you? A. I didn't say I never heard of that being done.

Q. Did you give any testimony to the effect that the provisions of your State Constitution requiring candidates to sign written resignations and file them with your committee had become obsolete, or nobody paid any attention to it, did you give any testimony along that line? A. My recollection in my testimony is that I did not sign such a blank.

Q. That is as far as you went? A. That is my recollection.

Q. I have here what purports to be a photographic copy of a letter dated August 25, 1916, from Socialist headquarters and signed by Adolph Germer, and I want to read you the concluding paragraph in that letter: "Candidates of the Socialist Party for public office are supposed to sign resignation blanks so that they may be recalled for cause. We maintain that in having such control over our candidates they will adhere more strictly to the program of the party and render more efficient service to society."

Mr. Stedman.—What is the date?

Mr. Sutherland.—This is dated August 25, 1916, signed by Adolph Germer, Executive Secretary.

Mr. Hillquit.—Suppose we see that first.

(Paper handed to Mr. Hillquit.)

Q. What do you say as to the correctness of that observation of Mr. Germer as read by me? A. All I know is that there is a provision to that effect in the Constitution. I never saw a resignation blank and never signed one.

Q. Do you hold yourself answerable to the provision of your State constitution to the effect that all officers who are members of the Socialist party occupying a public position must respond

and obey the instructions given to them by the dues-paying members of the Socialist party in the political subdivision represented by them? A. I would not say that any public officer must do any such thing.

Q. Do you know the provision of your State Constitution that I am referring to? A. I do.

Q. Having that in mind, do you renounce and abjure that section of your State Constitution or do you respect it and declare your intention of standing by it? A. I mean to say this: That if my local, or any subdivision of the party instructed me in a manner that I thought was in conflict with the law, why I certainly would not obey such instructions.

Q. What do you mean by "the law" in that answer? A. The existing law, the existing body of law.

Q. The Constitution and the statutes? A. Exactly.

Q. Otherwise than that you hold yourself obedient to that section of your State Constitution, do you? A. I hold that I would try to ascertain the wishes of the rank and file within the limits that I have just characterized, and within those limitations I would act in conformity with the Constitution.

Q. Now, I have not referred to the party rank and file in my question. I have referred to what your State Constitution refers to, namely, the dues-paying members of the Socialist party. A. That is the party rank and file.

Q. The rank and file are only those who pay dues in your party. A. Of the regular political party, yes.

Q. So we can understand each other, when you refer to the rank and file of the party, you are referring to those who pay dues? A. Exactly.

Q. Well, were the instructions received from the rank and file, or the dues-paying members of your party, do not come in conflict with the written constitution or statutes, you hold yourself ready to obey the instructions which you thus received from that source? A. Just with one further qualification, Judge; provided I were convinced that those instructions were in conformity with the principles, policy, tactics and platform of the Socialist party.

Q. You would not allow any faction in New York county to take precedence over a section of the National Constitution or the platform of the National Convention? You would consider that higher law within the Socialist party than some mandate from local New York; is that your meaning? A. Well, I can

understand that a mandate, say, from local New York, might be in conflict with the provisions of the National Constitution.

Q. And in that case the National Constitution of your party would control? A. I think so.

Q. But as a general policy as to your votes on bills, as to your acts as a member of the Legislature, you hold yourself obedient and responsive to any instructions received by you from the dues-paying members of your Assembly District, do you not?

A. I have made that answer, and if the stenographer will read it again, I will reply word for word in the manner I have answered it.

Q. Very good. I do not question you any further along that line. Now, just let me look at my notes a moment and perhaps that will be all. You signed a regular application for your party, did you not, Mr. Solomon? A. To the best recollection.

Q. Where were you born? A. New York City.

Q. How old are you now? A. Thirty.

Q. When did you join the Socialist party? A. About ten years ago — maybe more.

Q. Did you ever hold any public office before you were elected to the Assembly? A. Never held any and never ran for any.

Q. What was your line of occupation before you became a reporter on the New York Call? A. I was a stenographer.

Q. In what place? A. In several law offices.

Q. You regard Lenine, do you not, as a moderate and sober thinker along the Socialist lines? A. Well, I do not know very much about Lenine except what I have read by him and about him; but I will say this, Judge: that he is a whole lot more moderate and sober than a great many people think he is.

Q. Well, now, you heard Mr. Hillquit say those words, didn't you, that Lenine is a sober and moderate thinker? A. I did.

Q. Let me read to you a few words from Exhibit 50: "The American working class will not follow the lead of its bourgeoisie. It will go with us against the bourgeoisie. The whole history of the American people gives me this confidence, this conviction. I recall with pride the words of one of the best loved leaders of the American proletariat, Eugene V. Debs, who said, in the 'Appeal to Reason' at the end of 1915, when it was still a Socialist paper, in an article entitled, 'Why should I fight,' that he would rather be shot than vote for war credits to support the present criminal and reactionary war, that he knows only one war that is sanctified and justified from the standpoint of the

proletariat: the war against the capitalist class, the war for the liberation of mankind from wage slavery. I am not surprised that this fearless man was thrown into prison by the American bourgeoisie. Let them brutalize true internationalists, the real representatives of the revolutionary proletariat. The greater the bitter and brutality they sow, the nearer is the day of the victorious proletarian revolution."

Q. Does that appear to you to be a sober and moderate view of the attitude of the socialist party in reference to the subject he is discussing? A. I should say that that statement was rather over-stated, highly colored, and I highly doubt whether it is **Lenine's**.

Q. Did that suggestion come to you just then from Mr. Hillquit? A. No. I thought it very keenly while you were reading.

Q. You didn't say it until you heard Mr. Hillquit speak it just now? A. I deny that is from a sober and moderate thinker.

Q. Do you? A. I don't know whether it is or not.

Q. It is published by the Socialist Publication Society and it was given credence and authority by Mr. Martens in his testimony before the Lusk Committee, which testimony was read in evidence in this proceeding. Now, relying upon that I am going to read this paragraph to you and ask you if you agree with these sentiments? "We know that it may take a long time before help can come from you, comrades, American workingmen, for the development of the revolution in the different countries proceeds along various paths, with varying rapidity (how could it be otherwise)? We know full well that the outbreak of the European proletarian revolution may take many weeks to come, quickly as it is ripening in these days. We are counting on the inevitability of the international revolution. But that does not mean that we count upon its coming at some definite, nearby date. We have experienced two great revolutions in our country, that of 1905 and that of 1917, and we know that revolutions cannot come neither at a word of command nor according to prearranged plans. We know that circumstances alone have pushed us, the proletariat of Russia, forward, that we have reached this new stage in the social life of the world not because of our superiority but because of the peculiarly reactionary character of Russia. But until the outbreak of the international revolution, revolutions in individual countries may still meet with a number of serious setbacks and overthrows.

And yet we are certain that we are invincible, for, if humanity will not emerge from this imperialistic massacre broken in spirit, it will triumph. Ours was the first country to break the chains of imperialistic warfare. We broke them with the greatest sacrifice, but they are broken. We stand outside of imperialistic duties and considerations, we have raised the banner of the fight for the complete overthrow of imperialism for the world.

We are in a beleaguered fortress, so long as no other international Socialist revolution comes to our assistance with its armies. But these armies exist, they are stronger than ours, they grow, they strive, they become more invincible the longer imperialism, with its brutalities continues. Workingmen the world over are breaking with their betrayers, with their Gompers and their Scheidemanns. Inevitably, labor is approaching communistic Bolshevistic tactics, is preparing for the proletarian revolution that alone is capable of preserving culture and humanity from destruction.

We are invincible, for invincible is the Proletarian Revolution.”

Q. Now, does that agree with your trend of thought, Mr. Solomon, or not? A. That was a pretty long statement. I tried hard to follow you. There were many things there I agree with and there are a few things there I do not agree with.

Q. Now, do you deny that is Lenine's? A. I don't know anything about it.

(Discussion off the record.)

The Chairman.— Proceed.

Q. Let me ask you one more question. From the bulletin of the September, 1919, convention I learned, at the last end of your convention you adopted this resolution: “Resolved, that it is the sense of this convention that we go on record as favoring the nomination of Eugene V. Debs as Presidential candidate of the Socialist party in the campaign of 1920, but that we defer the actual nomination of Presidential and Vice-Presidential candidates, and the adoption of the platform to the campaign of the National Convention of 1920.” Did you vote for that resolution? A. I did.

Q. Was it unanimously carried? A. I do not recall whether it was unanimously carried, but I voted for it.

Q. It went with the convention and it was adopted? A. Yes.

By Mr. Brown:

Q. How long were you in a law office as a stenographer? A. I worked in several law offices.

Q. How long? A. I would say three years in various law offices.

Q. And how long have you studied law? A. Two years.

Q. Now, in your speech, after Oneal's speech, you said in part: "That when the police officials, or the department of justice agents, read that speech," that is Oneal's speech, "finding nothing in it that in their judgment is seditious or violative of the law, they will pass it up, unappreciative of the splendid message that it contains"; what did you mean by that? A. I meant by this,— in the first place, the speech contained a great many truths which I considered a splendid message; secondly, I meant by it this, that people were being sent to Socialist meetings for the purpose of taking speeches of speakers stenographically. These speeches might subsequently be studied with the object in view of ascertaining whether anything in these speeches contained might be unlawful, and if so, these alleged unlawful utterances might serve as the basis for indictments. I meant to convey that certain people, engaged in certain activities, were primarily interested in getting things on the Socialist speakers.

Q. But you thought they could not get it in this case? A. It was my judgment at the moment that there was nothing in the speech that was unlawful.

Q. And you thought that the message was conveyed without subjecting the speakers to the penalties of the Espionage Law, did you not? A. I thought so.

Q. Well now, as an employee of a law office for several years, and as a student of the law — how long? A. Two years in the New York Law School.

Q. — you know the difference between obeying the law in spirit and obeying it in the letter and breaking it in spirit; you know that, do you not? A. Breaking it in spirit?

Q. Yes, breaking the spirit of the law? A. I confess at this moment I am not capable of understanding that.

Q. You know about the evasion of the direct provisions of law, do you not? A. I have heard of the law being evaded.

Q. Now, you further said: "If only we could be assured that the speech would have an enlightening effect upon a narrow-minded lot of blind bats, who will read it, there would be some satisfaction

in the whole situation beyond this meeting; but since we know that so far as we are concerned, they will look for a word here and a word there, and a phrase here and a phrase there, upon which they may pin an indictment, why there is nothing but despair so far as they are concerned." Now, what did you mean by that? A. I meant by that what I mean by that now, that as far as they are concerned, generally speaking.

By Mr. Hillquit:

Q. Who is "they"? A. Meaning people who would read this speech,— not all — but some people who would read this speech.

Mr. Brown.— Now, I think instead of sotto voice between the counsel and the witness, the witness should be allowed to answer.

Mr. Hillquit.— Will you kindly read that portion again?

Mr. Brown.— I will: "If only we could be assured that the speech would have an enlightening effect upon a narrow-minded lot of blind bats, who will read it, there would be some satisfaction in the whole situation beyond this meeting; but since we know that so far as we are concerned, they will look for a word here and a word there, and a phrase here and a phrase there, upon which they may pin an indictment, why there is nothing but despair so far as they are concerned."

The Witness.— Well, I thought that was perfectly clear.

By Mr. Brown:

Q. It seems to me so, but I wanted you to explain it. A. I meant to say that certain people who would probably read that, were, in my judgment bigoted and blind; that they would not see it as I saw it; therefore, I despaired about them in the sense that they would not see it as I saw it in all probability.

Q. Is that what you mean? A. Yes.

Q. That you despaired? A. Yes.

Q. Well, if you despaired, what did you despair of? A. I despaired of their ever seeing it, understanding it, appreciating it.

Q. Ever understanding the splendid message it conveyed? A. Yes.

Q. That is, you felt that in the first place it conveyed a splendid message? A. I felt that.

Q. You felt in the second place that they would be unable to frame an indictment from a phrase here and a phrase there— you felt that? A. I felt it was not indictable.

Q. You felt it was not indictable? A. Yes.

Q. Although it contained a splendid message? A. Yes. I do not think it should be indictable because it contained a splendid message.

Q. No, not necessarily on that account. Did you mean that you despaired or that they despaired? I wish to read it to you again. A. Yes.

Q. "They will look for a word here and a word there and a phrase here and a phrase there, upon which they may pin an indictment, why, there is nothing but despair so far as they are concerned." Did you mean that they would despair at finding no ground on which they could frame an indictment? A. No.

Q. You meant that you had a despair on their account? A. Yes.

Q. That they would not appreciate the splendid message? A. Yes.

Q. That is, you felt that it was conveyed in such an ambiguous way and in such beautiful terms that these blind bats who represented the government would not understand it? A. I did not think that at all.

Q. Didn't you? A. No.

Q. What did you think, then? A. Exactly what I said: that regardless of the terms in which it was conveyed — and as far as I was concerned, it was explicit — they would not see it as I saw it for various reasons.

Q. They would not? A. No.

Q. And you felt that the government agents would not see it as the audience saw it? You thought you were talking to an appreciative audience? A. Yes, I thought so.

Q. And you thought that the message would be conveyed to the audience, but it would not be conveyed to the blind bats who represented the government there? A. I thought that was so.

Mr. Stedman.— Answer yes or no. Make it short.

By Mr. Brown:

Q. Now, what splendid message did it convey? A. Insofar as it expressed the Socialist movement, it conveyed a splendid message.

Q. Well now, you did not say anything to that audience in relation to there being anything in that message that you disapproved of? A. I did not say so.

Q. On the contrary, you said: "I think the Socialist Party will be happy to print it in the form of a pamphlet, so we may distribute it and sell it as propaganda literature"? A. I said so.

Q. And that was followed by great applause? A. I recall it to have been followed by great applause.

Q. And you did not point out a single word in that message with which you differed? A. I did not.

Q. Now, in your remarks, or in your answers, previously given, you said you put some limitations on the matters in this speech as not being fully approved of by you. Was there anything in this speech of Jim Oneal's — you called him "Jim" — was there anything in this speech of his that you did not approve of? A. I do not recall that I made such a statement. I would like to be confronted with my answer first.

Q. Well, is there anything in his speech that you do not approve of now? A. I have not the entire speech before me.

Q. Well, we will give it to you in just a minute — page 411.

By Mr. Hillquit:

Q. Did you approve of the speech, Mr. Solomon? A. I have not the entire speech before me.

Mr. Stedman.— Let us stand on it.

Mr. Brown.— We will have lots of time for lunch. This is the only time I have bothered you during the entire examination. (Hands speech to witness, indicating page 411). Read it and point out what there is in it that you disapprove of.

Mr. Hillquit.— Suppose we let him read it during the lunch recess?

Mr. Brown.— I want to know now, not after consultation at lunch.

Mr. Hillquit. — Read it now, then.

The Witness.— I will tell you that I approve of the whole speech.

Q. There is not a phrase or a clause in it that you can disapprove of, is there? A. I might improve on it rhetorically, but I approve of the whole speech.

By Assemblyman Wilson:

Q. There is something I wanted to get cleared up. I think, Mr. Solomon, you testified this morning that your occupation in 1919 was member of the Assembly? A. Yes, sir.

Q. Did you give any other occupation? A. No; I did speaking, lecturing, for which I was compensated.

Q. But you did not do any other work last year? A. No.

Q. Did you receive from the Clerk of the Assembly sometime in November, 1919, a letter with the request for your name, address and occupation? A. In 1919?

Q. Yes? A. I think so.

Q. Do you remember what occupation you gave then? A. I do not recall what I said in that letter.

Q. But you did not have any occupation? A. In 1919?

Q. Yes? A. You mean after the session was over?

Q. Yes? A. After the session was over, I say I did some work for the Socialist party, and I managed my own campaign.

Q. I mean in November, 1919, did you have any real occupation? A. I was re-elected to the Assembly then.

Q. Did you have any position, occupation, in that month of November, 1919? A. I do not recall at this moment that I did anything particularly.

Q. You do not know what reply you gave on the request of the clerk of the House as to what your occupation was? A. That was the month of the election you mean?

Q. Yes? A. I do not recall at this moment. I think I stated substantially what I said.

By Mr. Sutherland:

Q. Have you been a lecturer connected with the Rand School? A. I have lectured — I have received lecture engagements through the instrumentality of the Rand School Lecture Bureau.

Q. And those lectures were on Socialism? A. On Socialism and phases of Socialism.

Q. And for those lectures you received compensation? A. I received compensation.

By Mr. Brown:

Q. What was the last business or employment for compensation that you engaged in other than as a public official or in any Socialist work? A. I do not recall at this moment that I engaged in any other regular occupation.

Q. The last one? A. That is what I mean.

Q. For how long since have you had any occupation other than Socialist work. A. I was secretary to the Socialist Aldermanic delegation.

Q. Well, that is socialist work, I suppose? A. I have been engaged, quite frankly, largely, in socialist work.

Q. Now, what is the last employment you had before you were engaged in one phase or another of socialist work. A. I can refer to this record. I think I was a stenographer in the offices of lawyers —

Q. When? That refers to your stenographic services? A. Yes, sir.

Q. When was the last employment as a stenographer; about when? I am not asking particular dates; what year? A. Just before I went to work on the Call. I came there from a law office.

Q. That is somewhere in 1911 or 1910, something like that? A. Yes, sir.

Q. Have you ever been disciplined by any branch of the Socialist party for insubordination? A. No, sir.

Q. Have you ever been called to answer for any violation of the socialist platforms or rules? A. No, sir.

Q. You said that you voted against the minority report in September, 1919? A. Yes.

Q. Did you vote for the majority report? A. In the convention.

Q. You did? A. Yes, sir.

By the Chairman:

Q. This parade that the police officer testified to, what day of the week was it? A. I don't recall the exact day. It was the usual annual May Day parade.

Q. Was it on Sunday? A. I don't think so.

Q. How many people were there? A. In the line of march?

Q. Yes. A. Several thousand.

Q. Were you one of the organizers of the parade? A. No.

Q. The parade was forming at the time the police officer came down? A. Yes.

Q. That is what he says. I don't think you have given your version. Now, the law that you wanted to test the constitutionality of was the law that passed the session of the legislature relative to carrying a red flag? A. No, there was a law in force

that was passed I think by the New York City Board of Aldermen, an ordinance.

Q. Didn't we pass an act in 1919? A. Yes.

Q. This law we passed in 1919 was in effect at that time, wasn't it? A. I think so, yes.

Q. Was that the law you were going to test the constitutionality of? A. I wasn't going to test the constitutionality of that law. I wanted to determine whether the trade union banners were excluded under the law. We took all the red flags and all the red ribbons out right away.

Redirect examination by Mr. Hillquit:

Q. Mr. Solomon, did you listen attentively to Mr. Oneal's speech? A. I say I listened attentively, yes.

Q. Was there anything in it as it impressed you that could be construed as an appeal to violence or as countenancing violence or unlawful acts in connection with Socialist propoganda? A. No, sir.

Q. This statement of his, which I believe Judge Sutherland has read to you: "We shall continue our efforts along peaceful, intelligent, educational lines, knowing that in the last analysis that once we reach the heart, the brain, the conscience of the masses of the great American, come what will, gags, chains, jails cannot prevent us from transforming the United States into a genuine thoroughgoing industrial democracy of Socialism." Did that to your mind express the substance of his argument? A. It did.

Q. And was it to that largely that you directed your remarks desiring to have it in print, disseminated and circulated and so on? A. Yes, sir.

Q. I will ask you, Mr. Solomon, with reference to your statement that they, the "blind bats", as you referred to them, would probably not read the whole speech in its proper context, but would take out something here and there disjointed, and disconnected upon which to frame an indictment: What agencies did you have in mind whom you characterized as "blind bats"? A. Police officials. —

Q. Police officials were at Socialist meetings? A. Or the persons who had sent the stenographers there.

Q. The Department of Justice had stenographers occasionally? A. I guess so; I presume so.

Q. The Lusk Committee? A. Yes.

Q. I will ask you whether in your experience these agencies, including the Lusk Committee, did resort to practices such as you described, taking texts out of contexts, publishing disjointed Socialist statements, and perverting the natural meaning and significance? A. That is my understanding.

Q. And that is what you had in mind at that time? A. Yes.

By Mr. Sutherland:

Q. You say the thing to do now is to take words in their natural and ordinary significance? A. Words that can be so taken. There are technical terms; for instance, an engineer would use technical terms, and to other engineers they would mean things, but not me.

By Mr. Brown:

Q. "Scab" is a technical term? A. Not amongst labor people.

By Mr. Stedman:

Means strikebreakers, doesn't it? A. Yes.

Mr. Sutherland.—That is all.

The Chairman.—We will take a recess until 2 o'clock.

(Whereupon, at 12:40 P. M., a recess was taken until two o'clock P. M.)

AFTER RECESS, 3:05 P. M.

Mr. Block.—Mr. Chairman, so that the record may be complete, I want to offer in evidence the pleadings in the case of the United States of America ex rel. Workingmen's Cooperative Publishing Association vs. Albert Burleson, Postmaster-General of the United States, pending in the Supreme Court of the District of Columbia. This was the report which was verified and served a few days ago, verified in the Supreme Court of the District of Columbia and served on the attorney for the Postmaster-General.

Mr. Conboy.—This is a paper that was prepared right in the middle of this proceeding. It is dated the 13th day of February, 1920, verified the 13th day of February, 1920. It is verified by Mr. Gerber and I see Mr. S. John Block's name is signed to it as attorney for the relator. Now, I think that it is incompetent.

Mr. Block.— If this is incompetent, then the other papers that have been offered and received in evidence are also incompetent. The petition and answer being in evidence, and being competent, the reply is absolutely necessary to be incorporated into the record as essential in the proceeding. Whether it is verified in February or September or any other time is immaterial. This is offered merely as a matter of form to complete the record.

The Chairman.— As I understand it there is in evidence now, as exhibits in the case, the petition and the rule to show cause against Burleson, and this is the answer?

Mr. Block.— Yes, sir.

The Chairman.— That is served by Burleson.

Mr. Block.— Yes, sir; and this is the reply to his answer.

The Chairman.— It may go in.

(The paper was received in evidence and marked Assemblyman's Exhibit No. 10 of this date.)

Mr. Block.— And I ask to have it printed as the other exhibits were.

The Chairman.— Yes.

EDWARD J. MCGOWAN, called as a witness, being duly sworn, testified as follows:

Direct Examination by Mr. Block:

Q. Your address? A. 470 West 153rd street, New York.

Q. What is your occupation, Mr. McGowan? A. Clerk of the Board of Elections.

Q. How long have you been clerk of the Board of Elections of the City of New York? A. About 14 years.

Q. Are you familiar with the election law of the State of New York? A. I am.

Q. And are you familiar with all of the provisions in a general way of that law which pertain to the primary elections? A. Yes.

Q. Will you state in a general way what your duties are and have been as clerk of the Board of Elections? A. I have charge of the make-up of the ballot as far as New York county and Bronx county are concerned.

Q. For primary elections? A. For primary elections and general elections; in charge of petitions coming in designating the nominees.

Q. That is, petitions by the regularly designated candidates? A. By all parties, and every one who wants to have his name placed on the ballot.

Q. Yes. With relation to the Socialist party primary election or elections for nominating candidates at the primary elections, have you in mind any instance in which persons other than the regularly designated candidates of the Socialist party have filed nominating petitions?

Mr. Conboy.— That is objected to as immaterial, incompetent and irrelevant.

The Chairman.— That already appears. Sustained.

By Mr. Block:

Q. Have you record of a nomination in the year 1916 for member of Assembly in one of the districts in New York City in which a nominating petition was filed for the Socialist party nomination for member of the Assembly on behalf of one Louis E. Cuvillier?

Mr. Conboy.— That is objected to on the ground that it is incompetent and irrelevant.

The Chairman.— Sustained.

Mr. Block.— The challenge was made here last week by Mr. Cuvillier to the testimony of Mr. Gerber, when Mr. Gerber testified Mr. Cuvillier's name had appeared on the ballot, and Mr. Cuvillier interjected a denial or challenge. We have therefore produced the clerk of the Board of Elections who has official knowledge or information which he wishes to place before this committee so there can be no doubt in the minds of the committee.

Mr. Conboy.— That isn't a collateral inquiry.

The Chairman.— I struck out all the conversation that Mr. Cuvillier and the gentleman had on that excepting the proof as it stood that day, and I will strike out all the evidence of counsel and sustain the objection.

Mr. Hillquit.— That is on the ground that the statement of Mr. Gerber is uncontradicted in the record?

The Chairman.— It seems to be. I have not heard anybody contradict it.

Mr. Block.— Mr. Cuvillier, as a member of the Committee, did contradict it.

Mr. Hillquit.— However, the Chair takes that position.

The Chairman.— The record may be clear down to the sustaining of the objection.

Mr. Block.— I want to ask one question: Have you with you a ballot which was used in the primary election in the City of New York during the year you mention, on which appear the names of candidates for Socialist party nominations for member of the Assembly, and on which the name of Louis Cuvillier appears as candidate in such election?

Mr. Conboy.— Same objection.

The Chairman.— Same ruling.

Mr. Block.— All right. That is all.

Mr. Hillquit.— Now, may it please the Chair, as to sort of a question of parliamentary inquiry; the defense has one more witness to produce, and wishes to produce him now. We had hoped to finish our testimony to-day, and still hope to do so. It being about 12 minutes past three now, I would suggest that the Chair, in pursuance of the powers contained in the rules under which we are operating, fix a specific time for each side in the direct examination and cross-examination of this witness — August Claessens — because we wish to finish the examination this afternoon and I think it is highly important that we do.

Mr. Sutherland.— We want to finish, Mr. Chairman; but we think it would be quite impossible to tell just how long the examination will last.

Mr. Hillquit.— No, but I am ready to take a limited time and to confine myself within the time.

Mr. Brown.— We will unite with you and hurry along as best we can.

The Chairman.— You gentlemen seem to agree that you are all in a hurry.

AUGUST CLAESENS, called and sworn as a witness, testified as follows:

Direct examination by Mr. Hillquit:

Q. Your full name? A. August Claessens.

Q. And where do you live? A. 1403 Fifth avenue.

Q. In the borough of Manhattan? A. Yes, sir.

Q. City of New York? A. Yes, sir.

Q. How old are you? A. Thirty-four years of age.

Q. Are you married or single? A. Married.

Q. Any family? A. One child.

Q. When and where were you born? A. I was born in Switzerland in 1885.

Q. What part of Switzerland? A. In the City of Berne.

Q. And when did you come, or were you brought to this country? A. I was brought at the age of five years to this country.

Q. And have been residing in this country ever since? A. Ever since.

Q. You are a citizen of this country? A. I am.

Q. And became one when? A. About 1913; that is, I was a citizen before that time. When I came here I understand the law was that anyone who came under age automatically became a citizen.

Q. On the citizenship of his father,— on the naturalization of his father? A. Yes, but my father had only taken out his first papers. He had neglected to take out his second, so I was automatically denaturalized and applied for citizenship later.

Q. Well, you were admitted to citizenship in 1913? A. In 1913

Mr. Conboy.— Did you complete your naturalization process at that time?

The Witness.— Yes.

Mr. Hillquit.— Yes, sir; in 1913.

Q. What education did you receive, Mr. Claessens? A. I was educated in the parochial school of the Roman Catholic Church.

Q. Until what age? A. Until the age of fourteen, with the exception of possibly three months in a public school.

Q. And did you attend school after the age of fourteen? A. No, sir.

Q. When did you begin working for a living? A. I should say about at the age of eight. I worked before and after school;

I worked during vacations,— a peddler, newsboy, and various other street trades. I was compelled to leave school at the age of fourteen, and began working in department stores as a cashboy; several years as grocery clerk, and then I learned the trade of painting and paperhanging; and for the last six or seven years that I was occupied by employers I worked as a shipping clerk until about 1912.

Q. During that time did you supplement your school education by other instruction? A. I began again at about the age of twenty. That is, as soon as I had a position that enabled me to have my nights free, then I went to Cooper Institute and took instruction in the department of elocution; after that time I studied some four or five years at the Rand School.

Q. Finishing your studies when? A. At what school?

Q. Rand School you said the last. A. They are not finished yet.

Q. But when did you stop taking lessons in instruction? A. Well, I have taken as many courses as my time would permit.

Q. Until what year? A. Well, I still drop in on classes and take whatever I can possibly get.

Q. You say you worked as shipping clerk until — A. Until 1914, I think.

Q. And what has been your occupation since 1914? A. Since that time I have been employed as a lecturer and teacher, specifically for the Socialist Party, the Rand School, and various labor organizations and civic bodies.

Q. And in the course of such lecturing have you had occasion to travel through the country? A. I traveled through some twenty States of the Union. I have spoken on the average, that is, delivered lectures to the extent of about 300 a year during the last eight years.

Q. So that you would say within the last eight years you have about 2,400 public speeches or lectures to your credit? A. If you will dignify them as such.

Q. You made as many speeches as that? A. Yes.

Q. And that you say in all parts of the country? A. In some twenty States.

Q. At any time within these eight years were you arrested on account of any remarks or statements made by you on any of these 2,400 occasions? A. No, sir, and I have been regarded as —

Q. No, never mind. The answer is no. A. No, sir.

Q. And those speeches were all public speeches? A. Public speeches.

Q. And police officers mostly present? A. Generally.

The Chairman.—You don't mean that quite that way, mostly police officers present.

Mr. Hillquit.—Police officers present in most cases.

The Chairman.—Oh, excuse me. Go ahead; proceed.

By Mr. Hillquit:

Q. Mr. Claessens, are you a member of the Socialist Party? A. I am.

Q. And when did you become such a member? A. 1909.

Q. And have remained a member of the party ever since? A. Ever since.

Q. Did you hold any office within the party? A. I have never occupied any executive position that I know of with possibly the office of organizer of a branch; that is a sort of a leader in the Assembly district.

Q. And have you attended conventions of the Socialist Party, national, State or local? A. I have attended three State conventions; I think the last three.

Q. In the State of New York? A. In the State of New York.

Q. And any national conventions? A. Only one.

Q. Which one? A. The last one at Chicago.

Q. When were you first elected to public office, Mr. Claessens? A. In the month of November, 1917.

Q. And you were then elected to what office? A. The office of Assembly.

Q. Member of the Assembly? A. Yes, sir.

Q. On the Socialist Party? A. Yes, sir.

Q. And in the State of New York? A. Yes, sir.

Q. Were you re-elected in subsequent years? A. Yes, sir.

Q. For the same office? A. Three times.

Q. From the same district? A. From the same district.

Q. What years were you again elected in? A. I was elected in 1917 the first time; 1918 the second time; 1919 for the third time.

Q. You have heard the testimony of Mr. Waldman with reference to the activities of the Socialist members in the Assembly in the session of 1918, including your own, as far as introduction of bills goes? A. Yes, sir.

Q. And will you accept the testimony? A. I do.

Q. In 1919 how many Socialist members of the Assembly were there here? A. Two.

Q. Yourself and? A. Mr. Solomon.

Q. In that session, the second session of the Assembly, did you introduce any bills? A. I did.

Q. How many? A. Oh, I should judge a little over a dozen.

Q. Will you please just refer to them by title and subjects so as to give us an idea of the character of the bills? A. Yes, sir, and I might say, to save time, that many of them have been bills that were introduced at a former time, so I need not waste time explaining them.

The Witness (continuing).—Such is the case. The first I have is a bill to repeal the clause in our Educational Law pertaining to the physical training of children over eight years of age under the direction of the Military Training Commission. That has been explained by Mr. Waldman.

A bill abolishing the death penalty. That has been explained by Mr. Waldman.

A bill making it a felony to practice third degree methods in obtaining admission of guilt; and that has been explained.

Another bill repealing the section in the Military Law pertaining to the compulsory training of boys; and that has been explained.

Here is a new one that repeals chapter 470 of the Laws of 1918, entitled "An act to amend the military law relating to military training of boys." I was present when this bill was passed and spoke against it during the time that it was before the House. It was introduced by Mr. Welsh. I think the Committee is rather familiar with the bill. It is the one that not only imposed military training upon boys in school, but also upon those who worked, with the specific provision that those who had not obtained such military training could not be employed.

Q. Your bill was for the repeal of that? A. Yes. Then I introduced a new bill, last year, amending the Labor Law, in relation to hours of employment of all employees in this state, specifically demanding a six-hour day. Briefly described the purpose of this bill, I may say, that I had in mind at that time, was the fact that shorter hours is an immediate step in the direction towards the ultimate solution of the problem of unemployment. I was rather hesitating about introducing it at that time,

for I thought it was a little too much in advance of the time; but since then the six-hour day has become a somewhat popular conception.

Q. And recognized in some industries? A. Yes. I reintroduced the bill demanding the abolition of the Department of the State Police.

Q. That has been explained? A. That has been explained, except I might state that a Republican member of the Legislature, Mr. Thayer, did me the honor last year of duplicating this bill. He also introduced one.

Then another bill which has been explained by Mr. Waldman is the one that repeals that section of the Military Law in relation to the reserve militia. This is the Act of 1916; and I would like to say that Mr. Wolff was in error when he construed this bill, in his description, as a bill repealing the entire militia of the state.

By Mr. Sutherland:

Q. Give us the number, now, of that, please. A. You want the print number?

Q. The number of your bill. A. The Introductory Number is 353, print number 362. As I understood it, this is the State Conscription Act, passed in 1916, which gave the Governor extraordinary powers to conscript into a reserve militia the able-bodied men of this state.

By Mr. Wolff:

Q. Chapter 568? A. Chapter 568, yes, sir. I first became interested in this matter during the campaign of 1916, through the remarks of Judge Seabury, who made extensive attacks on this measure. The bill was introduced in 1918 by Mr. Shiplacoff and I reintroduced it in 1919.

Another one, amending the Penal Law in relation to the employment of armed men to act as policemen, peace officers or guards for the suppression of strikes or industrial disputes. That has been explained by Mr. Waldman.

Another, which is an act to amend the Executive Law and the Property Offices Law in relation to the employment of the State Militia, National Guard or State Police to suppress strikes, walk-outs or other industrial disputes. When I introduced that bill I had in mind a criticism generally made against the National Guard on the part of trade unionists as to the objectionable phase

of the use of the National Guard in industrial disputes; and I desired to eliminate that condition, and for that reason introduced this bill.

Another, and the last bill, to amend the County Law in relation to the appointment of deputy sheriffs to suppress strikes. That has been explained by Mr. Waldman.

By Mr. Hillquit:

Q. Now, Mr. Claessens, referring to all such bills so introduced by you, did you make bona fide efforts to get them considered by the House, and, if possible, passed? A. In most cases, yes.

Q. Applying to the various committees for hearings? A. Yes, sir.

Q. And were any of these bills passed? A. No, sir.

Q. Not one? A. No, sir.

Q. Did you also, in that session, vote for bills not introduced by you or your colleagues, but introduced by other members of the House — Republicans and Democrats? A. Yes, sir. I voted for, I should say, at least 500 or 600 bills; not only voted, but actively supported them by speeches on this floor, whenever I considered these bills of some benefit to some part of the whole people of this State.

Q. And did you vote against any bills? A. I did.

Q. About how many? A. I would say approximately 200.

Q. And for what reason? A. Because I considered them inimical to the interests of the people of this State, and particularly to the working people of this State.

Q. Did you keep posted on all pending and current legislation in the House? A. I did.

Q. And studied all bills before the House? A. I did.

Q. And voted on most of them that came up for a vote? A. On all of them.

Q. On all of them? A. Yes.

Q. Did you miss many days of attendance in the Assembly that session. A. My record of attendance, in 1918 and 1919, was such that it will show that I have not missed one working session of the Legislature, with the exception of possibly five or six Friday mornings, during which time the State Legislature is composed, on the average, of about eight men.

Q. And the Assembly, you mean? A. Yes, the Assembly. I cannot speak about the Senate.

Q. And by the way, Mr. Claessens, will you say that the Socialist members of the Assembly were generally in attendance upon the sessions of the Assembly quite regularly? A. Yes, sir.

Q. In attending those sessions, Mr. Claessens, did you attempt to obstruct the work of the Assembly in any way? A. Not that I am conscious of.

Q. Or were you indifferent to the business of the Assembly? A. No, sir, and more specifically, I have never left my seat during the time that anything was going on in this House.

Q. Did you take an active interest in all business of the Assembly? A. I think I can say completely so.

Q. Did you attempt to the best of your ability to discharge your duties as member of the Assembly in a practical, constructive way? A. Yes, sir.

Q. At any time during the first or second session of the Assembly, of which you were a member, did you advocate disorder or force or violence in the House of the Assembly? A. No, sir.

Q. Did you ever have occasion to speak on that subject at all in the Assembly? A. I did.

Q. When and on what occasion? A. On several occasions. But I have in mind particularly one occasion that occurred here last year during a debate on the ratification of the prohibition amendment.

Q. What was the occasion? A. The occasion was in the nature of a reply—that is, I might put it this way, I made a talk on the subject. The latter part of my talk dealt specifically with a reply to a remark made by one of the Democratic party members of this House.

Q. Have you got an official report of that speech of yours on that occasion? A. I have the stenographic notes of it.

Q. Will you please read such portions which deal specifically with the subject of force and violence as a political method? A. I shall, and I will ask the Chairman of the Committee and the counsel of the other side whether they want to hear the speeches in their entirety or shall I just quote the sections.

The Chairman.—This question asked of you by your counsel called for the reading of such portions of the speech as deal specifically with the subject of the use of force and violence as a political method, in which connection you may read the remarks which call for your reply. A. At the conclusion of the address of this Democratic party member, he said the following, speaking about prohibition—

Assemblyman Blodgett. — Can we have the date of that?

The Witness. — January 23rd, 1919. The Assembly having under consideration Assembly Bill No. 51, Printed No. A-51, by Mr. McNab, being a concurrent resolution ratifying a proposed amendment to the Federal Constitution relating to a prohibition of the manufacture, sale, transportation, importation and exportation of intoxicating liquors for beverage purposes.

By Mr. Hillquit:

Q. Now then, read the remark made in your reply. A. I state again, to be specific, that these are the concluding remarks of this gentleman's speech on the subject of prohibition: "While wondering about it I sort of think that the same thought comes to my mind as came to it a year or so ago, and the thought is that I hope that when those heroes do come back, those heroes who have battled for democracy and who have kept the world safe for democracy on the other side, while the enemies of democracy were stealing it away from the people over here, sincerely do I hope, looking up to my God tonight, that they will have enough ammunition left when they come back to use it on the hypocrites and on the bigots and on the enemies of democracy who have stolen democracy while they were over there."

Q. This remark was not made by a Socialist member of the Assembly, was it? A. Decidedly not.

Q. What was your reply specifically to that remark? A. At the conclusion of my address I stated the following: "Now, I am very sorry to hear a remark such as has been heard here today from Assemblyman McCue. I think after all if one side loses in this great democracy, that laws should not be resented with such a bitterness as it was resented here this afternoon. If the boys when they come back resent the idea that we have voted against their interests, this inciting to riot which we Socialists are often accused of doing, — we murderers, bolsheviki and so on — what would happen if I should suggest, as Assemblyman McCue suggested, saying when these boys came back they may have a bullet left, and giving a suggestion as to what they may do with those bullets? No, that is not the right way to progress. I believe in an expression of the will of the people, and if prohibition turns out to be wrong, there will be one force to change it, not bullets, but education.

Q. Does that correctly represent your views and attitude at the time? A. It did.

Q. And did that represent the accepted views of the Socialist Party as you understood them? A. It did.

Q. Now, Mr. Claessens, there has been introduced in evidence in this proceeding a copy or transcript of the alleged speech of yours delivered upon the occasion of the Second Anniversary of the Soviet Government. May I call your attention to the portions of it reprinted upon the brief of counsel for the Committee on page 59. Have you got it? A. That is, I have the record of the proceedings here.

Q. Well, you have the record before you? A. I have the proceedings here.

Q. Well, you have the record before you? A. I have.

Q. Will you turn, please, to page 229 and begin with the paragraph quoted, the words, "Yes, as Comrade Trachtenberg said," and so on? A. I have it.

Q. Will you please read the first paragraph? A. (reading) "Yes, as Comrade Trachtenberg said, when we read and when we hear these things, we immediately begin to grasp the significance of what Socialists call the 'social revolution.' The revolution itself, you know, which so scared the average thick-head American into the idea of bloodshed and violence, a revolution that history tells us is a very harmless sort of thing — it is a change in the form of government — 'a change from a kingdom to a so-called republic is accomplished by revolution.' 'Revolutions,' says Kirkpatrick, 'are seldom noisy or bloody, unless the ruling class imprudently and stupidly stand in the path of progress and cry Halt,'— just like a locomotive, not dangerous at all, but a very useful thing, except to a jackass that will stand on the tracks; that is, locomotives were not built to kill, they were built to move forward, to do some good."

Q. Now, is this substantially a correct transcript of the remark made by you on that subject at the time? A. I think so.

Q. I will ask you whom or what you meant by the expression "average thick-headed American?" A. That representative of the group characterized here the other day as Henry Dubbs. I mean the type that gets little or no information, but through newspapers; that regards the dictionary in a sort of a holy light; that is, seldom reading it, and satisfies himself with his own interpretation of language — the word revolution, to such individuals can mean nothing else but bloodshed and violence.

Q. As against such conception you define, do you not, your own conception and adopted the definition of Mr. Kirkpatrick in that connection? A. I do.

Q. Is that correct? A. I do.

Q. Will you please state what you mean or meant by this simile of a locomotive and the revolution? A. I tried to elucidate Kirkpatrick's statement. Great changes. The dictionary defines the word revolutionary as a fundamental transformation, as a great change. It is not necessarily a noisy or bloody occurrence. That great changes have taken place without any noise or bloodshed; that when these incidentals are introduced into a revolution, they are generally the result of certain forces that will stand in the track of progress.

Q. Now, Mr. Claessens, you have delivered 2,400 lectures? A. Yes.

Q. One less would not matter very much, so let us not proceed along the lines of lectures. Your simile, with a locomotive, did you have reference to the onward processes of social revolution which leads to a change of what you call a revolution? A. That is what I have said.

Q. And when you speak of persons, or jackasses, I believe it was, rather standing in the way of the locomotive, did you have in mind an effort to check or stop social progress? A. I did.

Q. In concrete application to the Socialist program, will you please elucidate what you meant, but very briefly? A. Well, I have in mind certain historical examples. Justified attempts were made by the landowning class in Great Britain to impede and obstruct the great change known as the industrial revolution.

Q. And such efforts to impede or obstruct, have they come into the historical instances that you mention, or in the ones that you foresaw in your speech? Have they been made by the triumphant majorities, or the defeated minorities? A. Generally by the defeated minorities.

Q. Now, will you please read the next clause or paragraph of that speech, beginning with the words, "The foundation of present day society—?" A. "The foundation of present day society is the exploitation of one human being by another. We want to strike at that from the foundation, and in removing the private ownership of the things that are necessary to life, we remove the foundation, and once you remove the foundation, the entire structure collapses, ought not to be rebuilt."

Q. Is it your recollection that you used this exact expression "ought not to be rebuilt?" A. No, sir, I cannot recognize that as my language. Furthermore, it is meaningless. I may have said that it cannot be rebuilt.

Q. After it once collapses? A. Possibly.

Q. Now, proceed. A. We socialists are social revolutionists; and for some of the detectives that are here, let me tell you that we are really the most peaceful people in the world, so much so that we are pacifists.

Q. Now, the brief of counsel for the committee stops at this point. Will you please read a little further from the record? A. And complete the sentence. "That we hate the shedding of blood — we hate the shedding of blood, for we believe that hanging and killing never did any man any good. It has no educating influence."

Q. Did you say that as far as you recall? A. I do not recall whether I stated the word "pacifists" without qualification.

Q. But the entire statement, as such, you accept as yours? A. Yes, sir.

Q. Well, will you now please proceed from this point: "When I pick up the newspapers?" A. "When I pick up the newspapers, and you pick up the newspapers"—

Q. A little louder please? A. "— and you read of the race riots, you read of the brutality, the bestiality of the great mass of the American people, you will find that we are still such an inferior and beast-like set of creatures that we are far from that fine spirit of idealism which our comrades in Russia are so many thousand years ahead of us."

Q. Now, the text stops here, but have you got more of that in the record? Read on, please, a little more. A. "Illiterate — yes, they cannot read. Well, that is not necessarily a sign of stupidity,"

Q. Well, stop right here, and will you now take up the portion of your speech beginning with the words, "I know some people said yesterday"— A. It is on page 235.

Q. Yes, near the bottom. A. "I know some people said yesterday, and I know some of you feel to hell with the whole matter of voting; to hell with the whole form of government. If the government rests upon thievery and fraud, then you have no government, you might just as well refer to this nation as the United States of thieves; but I am not one of those to become pessimistic."

Q. Continue? A. "We are here tonight celebrating the second anniversary of the Russian revolution; and, comrades, while the Russians have not the privilege of voting, if it may be called the privilege in the days of the Czar, they had not themselves what you would call a democracy before the Czar; yet our comrades in Russia were also treated like dogs, were also shot and hung, and sent to Siberia. Every dirty trick they used against us here was used against them, and only worse, and did they stop? Did it kill their spirit? Did they say, 'Oh, what's the use? Give it up? You cannot accomplish anything; you are up against a mightier power; what is the good?' Our Russian comrades did not say that. They were fighters; and when we are celebrating the second anniversary of the Russian revolution we celebrate the second anniversary of fighting men and women, and if we celebrate that in the highest possible form, not only in our idealism, but in our enthusiasm, then we celebrate it also as martyrs, and not as cowards."

Q. Well, stop here, and let me ask you now to what incident did you refer when you said, "I know some people said yesterday, I know some of you feel to hell with the whole matter of voting?" What was that yesterday referred to here? A. That will take a little time in explanation.

Q. Make it as brief as you can. A. I will be brief. When I first heard that speech read here — that is, the date — my heart sank into my shoes, for in noticing the date, I was immediately seized with the consciousness of the fact that that was one speech delivered on an occasion such as which I very seldom had to experience; and in explanation of it, I would like to say, gentlemen, that it was absolutely impossible to understand the extravagant statements that I make there unless you know the conditions that provoked them. I might say, also, as a preface, that I recognize much in the transcript that is not my language. However, substantially, the record is correct, and I will even go farther and state that I will accept it in toto, including the language that is not mine.

The meeting was held three days after election, ostensibly for the purpose of celebrating the second anniversary of the Russian revolution.

Now, as to my state of mind in making that speech: much of my emotions, or the character of my emotions, can be understood when you regard that speech as a summing up to that moment — that occasion. I was brought up on the East Side of the City

of New York, in a very popular district known as the "Gas House District," Charlie Murphy's district. While I went to school I received the usual instruction — patriotic and otherwise — and I was, as most emotional youngsters are, an enthusiastic patriot in the sense that most people understand that term. In explaining why I neglected my citizenship, I may just say a word here, that I had developed, in my contact with conditions on the East Side, an abhorrence to politics as a whole. I was not a citizen when I joined the Socialist Party, but there, for the first time, I came in contact with men and women who inspired me with the ideals of citizenship. From that time on commenced my political education and experience. I had the highest conception of the ideal of democracy and of the right to vote and of the right to have that vote counted.

About the year 1916 I began to become subject to a series of shocks. I acted as watcher at polling places. I went through the first experiences in the campaign of 1916, in the Twentieth Congressional district, in which Mr. Hillquit was the Socialist candidate. I was in polling places from six o'clock in the evening until nine o'clock the next morning, and I saw the stealing of ballots and I saw Mr. Hillquit defeated.

In 1918, I went through the same experience again, in the meantime supplemented by the knowledge of frauds on the East Side, particularly in the case of Meyer London, in the year 1918. But of all my experiences the worst one that I was ever subject to was the last one in my district, and I am ashamed to say that I have the dishonor to represent one of the most corrupt — politically speaking — one of the most corrupt political districts in the entire State.

Q. You refer to the election of 1919? A. The Seventeenth Assembly District.

Q. And the election of 1919? A. And the election of 1919.

Q. Now, speaking briefly, tell us what you observed in connection with that election and the counting of the votes in your district? A. I might say before that what happened to me was not the first instance of fraud in that Assembly district. Mr. Steinberg, a member of this House, was subject to that condition some years in the past. In 1917, during the primary contest — the Mitchel-Bennett contest — sixty odd election inspectors were indicted and some two score convicted. I had hoped that that was the end of that condition. Then came 1919. All day long I went

from polling place to polling place and tried to assist people to get their right to vote. I witnessed very much fraud in the daytime, then the evening began, and I went from one polling place to another. The first one I came to was 108th Street and Madison Avenue. There were over 500 ballots in that district—that election district—of which we estimated about 350. The top of the ticket, which had been counted—that is, the office of the President of the Board of Aldermen—showed something like 280.

Q. For whom? A. Mr. Oneal.

Q. The Socialist candidate? A. The Socialist candidate on that basis you can probably figure.

Q. That has been the experience of the Socialist Party in past elections, that local candidates receive a higher number of votes than at the head of the ticket, is that it?

The Chairman. — I thought they could not change the ticket.

Mr. Hillquit. — We don't assume to exercise an ironclad control over voters.

Mr. Block. — The remark is that the district is not corrupt.

(Discussion off the record.)

The Witness. — My attention was called to a disturbance in that election district. I got there and I noticed some eight or ten typical gunmen. They had pushed our watchers away from the table and had begun the count without watchers. When I arrived they saluted me and I asked what was the trouble. "Oh," they said, "nothing." Then they asked me how many votes I wanted. And I said I wanted no more and no less than what we were entitled to. One member of the Board said "Will you take 270?" I said, "No, I want the ballots counted." They refused to count in our presence for the second time.

Q. How many did they give you eventually? A. 270.

Q. Stuck to the bargain. A. Oh, yes. I know there were at least 360 there. A police inspector arrived and I complained to him. He said, "Well, my boy, we cannot do anything here. If there is any evidence of fraud, why, have the ballots counted in court." From there I went on to other sections of my districts, from one election district to the other and I saw the same condition. In fact, I saw the same gunmen. They traveled from one place to the other. The vote was held up so that they could arrive. I

got in one place and saw a neat little stack of ballots, I should judge over 100 or so, on one side of the table. I asked the Chairman, "What are these?" "They are void." "May I look at them?" After some controversy he permitted me to look at one or two and to my astonishment they were perfectly good ballots, and the excuse given was that they were marked too heavily or too lightly. Then I went to other districts. To cut a long story short I have seen it in some ten or twelve election districts personally. I have it from one of the ward heelers there that Mr. Oppenheim —

Q. Who is he? A. He is the Republican leader of the district — gave instructions to his men to go the limit.

Q. Now, Mr. Claessens, let's clear up a few points.

Mr. Brown.— To do what?

The Witness.— To go the limit.

Q. You referred to the 17th Assembly District as a corrupt district and you added, I believe, politically speaking. Let's get that quite clear. Do you mean that the residents of the district are corrupt? A. Oh, no.

Q. Do you mean that the voters are corrupt? A. Oh, no.

Q. Do you mean that the Socialist Party organization in the 17th District is corrupt? A. No, sir.

Q. What is corrupt in the 17th Assembly District? A. The political organization of the Republican Party in particular and the Democrat Party in general. Two years ago —

Q. Never mind. A. This is important. The leader of that district was indicted, he and his son.

By Mr. Block:

Q. Which leader? A. I refer to Mr. Krulevitch and his son.

By Mr. Hillquit:

Q. Mr. Krulevitch and his son were both indicted for offenses in connection with elections? A. Yes.

Assemblyman Pellet.— That indictment was dismissed?

The Witness.— Oh, yes.

The Chairman.— By a Supreme Court judge, General Sessions?

Mr. Stedman.— General Sessions.

Q. In that last election in 1919 were you opposed by a Fusion Candidate? A. I was.

Q. That is, a joint candidate of the Republican and Democratic Parties; is that correct? A. Yes, sir.

Q. And the Election Board was composed exclusively of Republicans and Democrats? A. Yes, sir.

Q. No Socialists? A. No, sir.

Q. So that in the counting of your votes or of votes of candidates similarly situated the contest was between a Fusion candidate, Republican and Democrat on the one side, and the Socialist on the other? A. Yes, sir.

Q. And the Election Board composed of members of the political parties represented by your opponent? A. Yes, sir.

Q. Entirely and exclusively; is that correct? A. Yes, sir.

Q. I will ask you whether in connection with the election frauds and violence what you have described as accompanying the elections and count of vote in the 17th Assembly District, similar occurrences have taken place to your knowledge and the knowledge of other voters in your district and in other Assembly Districts of the City of New York? A. In answer to that question I think I can save time and sum up what I started out to say concerning the frame of mind I was in when I made that speech —

Q. We will come to that. Did you know of similar election frauds in other Assembly districts? A. Oh, yes.

Q. I will ask you this. Do you know of conditions in the Eighth Aldermanic District at the time? A. Yes.

Q. And do you know whether in that district Mr. Algernon Lee, the Socialist Party candidate, was reported to have been defeated by a few votes? A. Yes, sir.

Q. About 238. And was that by a Fusion opponent? A. That was.

Q. And are the votes now being recounted? A. The votes are now being recounted.

Q. And do you know what the first ballot box opened in this recount showed? A. The first ballot box opened in this recount showed that Mr. Lee had been cheated out of 300 votes.

Q. In one election district? A. In one election district and one box only.

Q. So that if the votes had been correctly and properly counted in that one election district Mr. Lee would have been elected; is that correct? A. Yes, sir.

The Chairman.— That goes to show you can get redress in the courts.

Assemblyman Pellet.— It seems to me that the only purpose of this testimony is to show the frame of mind when Mr. Claessens made this speech. You are offering this testimony without giving an opportunity for anybody to controvert your statements. I think you should confine this testimony to facts as to Mr. Claessens when he made that speech and things that subsequently happened have nothing to do with it at all.

Mr. Hillquit.— It was generally known at the time that Mr. Lee was cheated out of this election.

The Chairman.— He says, " These very small judges hold their seats by just the same frauds. If they are not thieves many are receivers of stolen goods and you can imagine how much justice you can get from that bunch." You are testifying and now state that you are getting an order for a recount and are getting justice.

Assemblyman Everett.— You were elected, weren't you?

The Witness.— By accident, yes.

Mr. Everett.— No, but you were counted in by these people?

The Witness.— An oversight on their part gave me the election.

Assemblyman Everett.— I asked for the result. You were counted in?

The Witness.— Yes, I was.

By Mr. Hillquit:

Q. Do you think that you received a fair count and were credited with all the votes legally cast for you? A. Certainly not.

Assemblyman Everett.— But you got enough to elect you?

Mr. Hillquit.— He got enough to elect him.

Q. Now, will you please state what you meant by saying this was the result of an oversight or accident? A. What I meant was that they had reduced what many of them themselves admit a majority of some 1,500 votes for me down to a majority of forty-nine. At the hour of three they were all celebrating the election of my opponent. There was one district yet to be counted — one.

I went to that place as speedily as I could and I arrived just in time to see the carload of gunmen arrive—

Mr. Stedman.—Guerillas.

The Witness.—Yes, guerillas and other pet names.

By Mr. Conboy:

Q. What kind of a carload was this carload of gunmen? A. Touring car.

Q. An automobile full of them?

Mr. Brown.—There wouldn't any of this be competent except here. Let's let him go on.

The Witness.—I give it for what it is worth.

Assemblyman Pellet.—I want to make a statement at this time—

Mr. Brown.—I think a fair picture of this witness can be obtained by letting him go on.

Mr. Hillquit.—I must object to the insinuations on the part of counsel or the other side.

Mr. Brown.—Change it to "portrait."

The Chairman.—Proceed.

(Discussion off the record.)

The Witness.—I don't care whether you believe me— that is not important. This is my experience.

By Mr. Hillquit:

Q. And you say you saved your own vote by accident and by preventing the miscount or the defrauding in one particular election district. A. Yes.

Q. What election district was that? A. That was the election district on 130th street and Madison avenue.

Q. And in what way did you succeed in saving the count of your vote there? A. The report was that my opponent was elected by 170 votes. In that district there were 280 votes for me and 78 for my opponent. I arrived at the time that they got there. There was the policeman that I mentioned in my speech.

Q. And that policeman saw to it that the vote was properly

counted? A. That policeman saw to it that the vote was properly counted, and when it was counted, by an oversight and by an accident I had 49 more than what I ought to have had.

Mr. Block.—You ought to have had?

The Witness.—Ought to have had according to what they figured.

Assemblyman Everett.—You had too many for them to beat you.

The Witness.—Yes.

By Mr. Hillquit:

Q. Mr. Claessens, did you experience any physical violence that night? A. None.

Q. The Chairman called your attention to the statement made by you with reference, I believe, to the possibility of securing legal redress, saying, in effect, that the judges are elected by the same gangs, and hence you cannot secure justice. The Chairman also called your attention to the fact that for instance in the Lee case an order for a recount was secured. Do you desire to explain your former statement? A. I will.

Q. Briefly. A. I may have been in error as to my conclusions, but I had been subject to such things in the past. I have in mind particularly other frauds that never culminated in Rochester. I had that impression also from the general condition that existed at that time, and to complete what I wanted to say I had in mind when I made that speech knowledge of fraud in the lower part of Manhattan, particularly concerning the three judges that we Socialists had nominated against the Fusion ticket. I had also knowledge—

Q. Mr. Claessens, I do not think you got my question. What the chairman stated was the fact that you secured an order to open the ballot box and that seems to stand in contradiction of your statement that no legal redress, or remedy, could be secured? A. Yes.

Q. Did you mean to imply that legal remedies are not reliable in case of election fraud? A. Yes.

Q. And are you ready to admit that your statement may have been an over-statement due to your condition at the time? A. Many of my statements may have been that sort.

Q. Including the one to which the chairman called your attention? A. I do.

Q. Will you please state generally whether this one speech offered in evidence here is a speech containing stronger expression than those usually delivered by you? A. Yes, sir.

Q. And that was due, you say, to your experiences on the preceding night, election night? A. Yes — if you will kindly let me elaborate —

Q. Very briefly, if necessary. A. I will. On that night we were not yet certain of the election. Three nights after the evening of election news had come from the other districts throughout the entire Assembly district in which I reside. There was a great deal of emotion and excitement. On the night after election I held street meetings in six or seven parts of my district and counseled with the people to keep cool; to keep calm. I went in front of the Republican headquarters and dared my opponent to demand a recount, for I believe my experience has been when a man is defeated by so small a majority they do not demand a recount. Friday night I had just reached that boiling point where I had reached the lowest depths of abhorrence and disgust for the whole political machinery.

Q. Now, then, Mr. Claessens, you said to your audience: "I know some people said yesterday, and I know some of you feel, 'to hell with the whole matter of voting,'" and so on. Did this refer to a sentiment of disgust over the practices of the officials in counting the votes, as you have described? A. Yes, sir.

Q. And did you encourage that sentiment, or did you seek to encourage it by your speech? A. I did not; I tried to counteract it.

Q. And even that night, indignant and excited as you were, you say you stood up for continuing political methods? A. Yes.

Q. In a peaceful way? A. I did.

Q. Will you please now read the balance of this speech quoted by counsel for the Committee? A. (Reading speech referred to): "I warn you, comrades, that we are not going to lay down on the job, and I have spoken around the street corners, the night before last, and I have told my constituents the same of such a condition. I have likewise told any person who still remains a Democrat or a Republican — I do not care how honest and clean you may be, you are an accomplice of a crook. You have absolutely no right to speak of democracy (applause). You have absolutely no right to speak of an American Republic; there is

no American Republic. It is merely one huge institution based upon fraud — God Almighty — if the men and women cannot cast their ballots, if they cannot get counted their own ideas, what is the sense of this whole thing? Now, thank goodness, Socialists are not only working along political lines. If we thought for a minute it was merely a dream on our part, a great political controversy until we have a majority of men elected —” Is there not a misprint there somewhere?

Mr. Hillquit.— Well, I suppose it is not “controversy.”

The Witness (continuing).—“and then, by merely that majority declare the revolution, if any of you smoke that pipe-dream, if that is the quality of opium you are puffing now, give it up. Give it up. Yet I do not want any of you to go to the opposite extreme. The economic movement is also the movement by which Socialists are marching on; but the economic movement also has its shortcomings; and it also meets the Cossacks, and the brutal forces of the capitalist power in every way. But there are other things we want. We are working not merely upon the industrial, upon the political, not merely in the cooperatives, but along the broad lines of education, and I do not know, and you do not know, and there is today nobody in this room that knows how the social revolution will be accomplished in this country. At least the luck that the Russians have, I doubt whether we will have it for ten million men to walk home, leaving their offices, in the sewers”— and then there is the word “inaudible” in brackets —“walk home with guns, that is a picnic, that is easy for any revolution”— then there is the word “inaudible” in brackets. “But that is a condition that you have not got here.”

“Yes, and in celebrating the second anniversary of the Russians, we celebrate their enthusiasm and their spirit, and you cannot celebrate without getting that spirit in to you also.

“Others of us have to do that. We capture one section and move on to the next until we reach more and more, and ultimately realize — do not get behind, do not let the thing of last Tuesday wear on your nerves. It was mean, it was dirty, it was the lowest — and if that is American, — well, then, we are proud to be called non-Americans. The dirty, trashy way — if that gang stands for that, refers to Russia as a country of atrocities, then, I tell you, some day the Russians will have to send missionaries to the United States for the purpose of bringing decency in here.”

Q. Have you concluded? A. Well, there is lots more.

Q. Finish the entire quotation. A. "My God, when I looked at some of those dope fiends that sat around some of those boards, I thought to myself — some smile, gentlemen, and newspapers talk about the nationalization of women in Russia. If there was an ounce of truth in your particular damnable lot, you would be the first ones to take a steamer to go to Russia. The language that those men used at the polling place there was absolutely unfit for pigs; and those are the types that we are supposed to believe uphold our American democracy. If there was not a fact a change was coming, we would say: 'To hell with the whole business.' But we are going to the Assembly, and we will tell it to them. There are five of us. Charlie Solomon is one. There are others, and I will go myself into the bargain, and we will tell them something. But we won't waste as much time in the Assembly, comrades, talking to that bunch that sit there with stolen property sitting in their seats, but we will use our position with the Assembly, and reach the Henry Dubbs and speak to them, and I can assure you, comrades, we won't sleep one night when we are in Albany, but every night we will be speaking in Troy, Schenectady and Amsterdam. Everywhere around there, arousing the workers wherever we possibly can. You let us rejoice tonight, what has happened is not so serious. What has happened is good, in so far as it is but another reason and argument that proves the necessity of not merely a political victory, but a social revolution."

Q. Now, Mr. Claessens, will you please briefly explain what you meant by this expression: "You have absolutely no right to speak of democracy. You have absolutely no right to speak of American Republic. There is no American Republic"; and then further, "God, Almighty, if the men and women cannot cast their ballots, if they cannot get counted their own ideas, what is the sense of this whole thing?" What did you mean to express by it? A. I was making a generalization there, rather unfortunate from particular occurrences, in my district.

Q. Well, was it the idea you wanted to convey that either democracy and true foundations of the American Republic mean the ability of the citizens to cast their ballots and have them counted? A. Naturally, sir.

Q. And when this ability ceases, democracy ceases to have a meaning? A. Yes, sir.

Q. What did you mean by the statement, "Socialists are not only working along political lines?" A. I mean what has been

described here by a number of witnesses. We operate through various channels for the great change that we are seeking — the great social transformation that we call the social revolution.

Q. These channels being? A. Political action wherever we have it; economic action, by that we mean through the power of trade unions, and bettering the conditions of other workers by shorter hours, high wages, better conditions; likewise bringing in a labor organization, a better understanding of their relation to the state; also in the cooperatives —

Q. And also educational lines? A. Yes, along educational lines.

Q. And all these lines along legal, constitutional methods? A. That is as I understand it.

Q. Now, then, you say further: "It was mean; it was dirty; it was the lowest," referring to the election fraud? A. Yes, sir.

Q. "And if this is American, well, then, we are proud to be called non-Americans." Was it your conception that as a matter of fact it was American? A. Oh, no.

Q. That fraudulent practice. And when you say if that is American, we would be proud to be non-American? A. That is what I meant.

Q. Do you mean, as a matter of fact, that we are not proud of such conditions; we do not approve of them because they are un-American? A. Yes, sir.

Q. Or what did you mean in that connection? A. I meant at that time, and had specific reference to certain organizations that were agitating in my district under the guise of Americanization, these people being connected with other parties, not ours. They tried to Americanize the district, and I expressed my utmost contempt for Americanism, if by Americanism be meant the inclusion of such conditions as I witnessed on election night.

Q. You meant that the same elements that committed the election frauds you describe also paraded as Americans and American patriots in your campaign? A. Yes, sir.

Q. And branded the Socialists who stood for an honest count of ballots as non-Americans? A. I wouldn't put it that way. They branded the Socialists as non-Americans.

Q. They called it that way? A. Yes.

Q. And that is what you had reference to? A. Yes, sir.

Q. Now, in the concluding statement you say "We won't waste as much time in the Assembly, Comrades, talking to that

bunch that sit there with stolen property sitting in their seats" — what did you mean by that?

The Chairman.— You need not explain that, because I will say right here we won't take that in consideration in the decision of the case.

Mr. Hillquit.— Either way.

The Chairman.— Either way. It is a matter of entire indifference what they say about us, but you might explain this: "But every night we will be speaking in Troy, Schenectady and Amsterdam rousing the workers," what did you mean by that?

The Witness.— Excuse me, Mr. Chairman, I would like to explain that remark, the one before that.

The Chairman.— It is entirely irrelevant.

The Witness.— It is part of my speech; I would like to explain it.

The Chairman.— You can explain it.

The Witness.— I didn't mean you possessed property that was stolen. I was under the impression that four or five men at least were here in seats that did not belong to them. Since that time I have found that I am in error. There is possibly one man here and one in the Senate. I want to apologize if that is taken. I didn't mean it. Then again it was a result of tremendous excitement on my part, an over-statement.

By Mr. Hillquit:

Q. You say it was an over-statement? A. Yes.

Q. And you say you meant to refer to one member of the Assembly and possibly one of the Senate who was given the election by what you call fraud at the time?

Mr. Brown.— He didn't refer to the Senate at all in his speech.

Mr. Hillquit.— Neither to the Assembly.

Q. Now, what you meant by "rousing the workers wherever we possibly can"? A. By the term "rousing" I meant, to arouse them from their slumber. What I meant is likewise borne out by my activities during the two years that I have been here.

Every blessed night I have spoken in towns nearby. I have conducted classes. There are men in this House that know that fact, and in so doing I was doing the legitimate work of instructing and teaching the work of Socialism.

Q. By the use of the expression "rousing the working classes" did you mean exciting them to revoke and riot and violence? A. No, sir.

Q. Did you mean by it stimulating their intellects, opening their eyes to what you considered to be the true social conditions? A. Yes, sir.

Q. And is that expression frequently or generally used in the Socialist movement in that sense? A. At least I use it that way.

Q. Mr. Block suggests that to arouse public sentiment is a pretty well known expression. I suppose you admit that? A. Yes, sir.

Q. Mr. Claessens, you were also charged here by Mr. Wasserman with having given it as your opinion or conviction that the Constitution was a mere scrap of paper, and also, that the people when they got control under a Socialist government would take things by force; let's take the first one; did you ever refer in a conversation with Wasserman, or otherwise, to the Constitution as a scrap of paper? No, sir.

Q. Do you remember any conversation with Mr. Wasserman in which the Constitution was mentioned? A. Yes, sir.

Q. What was said by you to him on that occasion? A. I had three debates with that gentleman, and that one that he refers to, I think he referred to the Constitution as having provisions that made the inauguration of Socialism impossible. I believe I stated, for I have stated it so many years in the same way, that I doubt as to whether that is correct, and that the Constitution in the last analysis is a matter of interpretation, and I believe when we have sufficient power we would interpret it in our light, as judges have in the past interpreted it in the light of the conditions reflecting at that time.

By Assemblyman Caulfield.

Q. Were you speaking of Mr. Frank Wasserman, of the 23rd Assembly District? A. Yes.

By Mr. Hillquit:

Q. In any of your election speeches, did you ever refer to the Constitution as a perfect, unchangeable document? A. No, sir.

Q. Did you ever refer to it disrespectfully, as a scrap of worthless paper, or in any other similar sense? A. No, sir.

Q. You recognized it, did you, as the supreme law of the land? A. I did.

Q. To which the respect of the citizens is due as such, and obedience to it? A. Yes, sir.

Q. As to the second to last statement, that the people, when they got control under a Socialist government, would take things by force; did you make any such statement? A. Never in my experience.

Q. Can you see any sense in that statement, that when the Socialists first got control, then they would take things by force? A. No, sir.

Q. Did you make any statement like it? A. Not to my knowledge.

Q. Any statement to Mr. Wasserman or anybody else, that it is in the Socialist program to take the government or the control of the government, by force? A. No.

Q. Now Mr. Claessens, did you at any time when you ran for office on the ticket of the Socialist Party, or after election to office on the Socialist ticket, sign an advance resignation from the office for which you ran? A. No, sir.

Q. Did you at any time sign and deliver to the Socialist Party, or any committee or any representative of the Socialist Party a resignation of any kind, form, shape or manner? A. No.

Q. Did you ever see such resignations signed by any other such candidate for office on the Socialist Party ticket? A. No.

Q. Or Socialist official? A. No.

Q. Or did you see such resignation at any time, in any shape, form or manner? A. No, sir. I heard that there was such a thing, but I never saw it.

Q. You heard that there was? A. Yes.

Q. And that was when? A. Oh, some time in the early part of our party.

Q. Did you see, within the last five years any resignation blank which any candidates for public office signed or filed? A. No, sir.

Q. Did you, while you were in office, receive any instructions as to your public or official acts from the Socialist party, or any committee or any representative of the Socialist party? A. On one occasion — one only.

Q. Was that the occasion referred to by Mr. Waldman? A. Yes, sir.

Q. That is, with reference to your vote on the question of the prohibition amendment? A. Yes, sir.

Q. And that is the only one? A. Yes, sir.

Q. Were you in the habit of making reports of your activities in the Assembly to your constituents? A. Yes, during that very time.

Q. Which time? A. During my first term — during the very time that we were discussing prohibition here for the first time. Often before I received instructions from the party I recall calling my constituents, or those who would want to come to a meeting, at Lenox Casino, 116th Street and Lenox Avenue, and there I stated the case; for you gentlemen know the first time we were caught rather unawares by the Prohibition amendment. That is, it was not a campaign issue.

Q. You stated the case to your constituents? A. Yes, and then I took a vote.

Q. And did the vote favor the course that you subsequently followed? A. Yes, they instructed me to vote against prohibition. I explained my referendum idea to them and they stood by me. But, of course, that was only a small gathering of my constituents — I should think five or six hundred people.

Q. I will ask you, Mr. Claessens, whether you circulated a circular letter among your constituents at times, of which this is one? A. Before I answer that I might state that at the conclusion of the Legislature I go before my constituents outdoors, at every corner that I can possibly get to them, and then I report to them, and I likewise receive instructions as to what I can carry out in the next term.

Q. Now, will you please answer my question? Is that one of the circular letters you sent out? A. This circular letter was sent to my constituents in December, 1919.

Q. And when you say "your constituents" whom do you mean? A. Every voter in the district.

Q. Whether he is a party member or not? A. Yes, sir.

Q. Or a Socialist or not? A. Yes.

Q. You say you sent that when? A. During the month of December.

Q. Of which year? A. 1919.

Q. About how many such letters did you send? A. One to each voter,— 14,000.

Q. 14,000 of them? A. Yes.

Mr. Hillquit.— I offer it in evidence.

The Chairman.— Received.

(Letter referred to received in evidence and marked Assemblymen's Exhibit No. 11 of this date.)

Q. Will you please read it, Mr. Claessens?

Mr. Wolff.— Read the heading, Mr. Claessens.

The Witness.— (Reading): "Assembly Chamber, State of New York, Albany,"— then on the left hand corner is my picture —"August Claessens, 1403 Fifth Avenue, New York City. To my Constituents, Fellow Citizens: Kindly permit me to address a few words to you regarding some important matters. First let me state as one honored for the third time into the position as your Assemblyman I shall again as in the past two years, devote myself whole-heartedly in your service. I trust that I represent your political views, but if I don't, then like a good citizen, console yourself in the fact that I am the choice of the majority of the voters in this district. Even though both old parties combined on one candidate and the most shameful tactics were perpetrated on Election night, when more than a thousand of your ballots were discounted, destroyed or voided, we Socialists carried the district. But we must not rest. Greater tasks are ahead of us in these troubled times.

"Now to the point. I shall meet you face to face every Friday evening beginning in January at the Park View Palace, and report to you the happenings of the week in the Legislature. The newspapers as a rule give you but meagre details, and as I believe the coming session will be an extremely important one, kindly take advantage of the fact that you live in one of the few districts of the State where your Assemblyman keeps you informed and acts upon your needs and suggestions.

"Of course, it would be tiresome to listen to me every week as the only speaker, and in view of that fact I would inform you that my organization, the Socialist Party, has engaged a brilliant array of speakers, as the enclosed circular denotes, who will lecture on timely topics each Friday evening, and at the conclusion of each lecture I shall give my report and receive your instructions.

“With best wishes to you for the new year, I remain, Your faithful servant, August Claessens.”

By Mr. Hillquit:

Q. Mr. Claessens, do you know whether it was the general practice of the other Socialist members of the Assembly to periodically report to their constituents and get the views and suggestions of their constituents? A. Yes, sir.

Q. You have heard here, Mr. Claessens, I assume, Mr. Waldman's statement with reference to his position on the appropriations for the maintenance of the State Militia, and his attitude both under the provisions of the constitution of the State of New York on this subject and the provisions of the constitution of the Socialist Party of the United States with reference to general military training. Do you accept his view as testified on that point? A. I do.

Q. You have also heard, right in this proceeding, various official proclamations of the Socialist Party, beginning say with the National platform of 1916, or even earlier; the various programs of the National Executive Committee of the Socialist Party and the statements, platforms and proclamations of the National Convention of the Socialist Party, and you have heard explanations with reference to such documents by Mr. Lee, Mr. Hillquit and Mr. Branstetter, have you not, A. Yes, sir.

Q. And have you followed it all attentively? A. I have.

Q. Do you accept and subscribe to all such Socialist Party declarations as so explained and interpreted by the witnesses mentioned? A. I do.

Q. In this particular session of the Assembly did you subscribe to your oath of office? A. I did.

Q. And did you read it before signing it and swearing to it? A. I did.

Q. And did you fully understand it? A. I think so.

Q. And do you know of anything in your political belief, in your membership in the Socialist Party, or otherwise, that would prevent you from wholly and in good faith complying with all the provisions of your constitutional oath? A. I don't.

Q. Do you know of anything to prevent you from doing so? A. No, I don't.

Q. In other words, you think you can fully comply with it? A. Yes.

Q. Did you take that oath without any reservation? A. Without any reservation?

Q. Yes? A. Certainly.

Q. And you are willing to comply with it and to perform your duties as a member of this Assembly now and ever? A. Yes, sir.

By Assemblyman Harrington:

Q. Coming to the Henry Dub speech, at the time that Nuorteva was introduced, or about to come into the hall, I think you made some remark: "Here comes our Ambassador." Will you please explain that? A. That was a jocular remark. He is not an ambassador.

Q. I have particular reference to the word "our." A. Oh, just a pet name.

Q. You did not have anything in your mind at the time you indorsed the Soviet scheme of Russia for the United States? A. No; certainly not. I have lectured extensively on that subject, showing that in each country changes will evolve out of the natural conditions of that country; and I have quoted Lenine in my lectures to an extent; that is, that no one particular form of government can be imposed upon another country. I remember specifically Lenine's caution to Bela Kun, the Hungarian leader, to be careful of just that very thing. I have stated specifically in my lectures that it would be foolish—unwise—to attempt to impose upon this country the Soviet form of government such as they have it in Russia.

Q. Then you want us to understand that this remark was a jocular remark, with no particular significance? A. Yes.

By Mr. Hillquit:

Q. Nuorteva had been a party member? A. Yes.

Q. For some years? A. Yes.

Q. You knew him well? A. Yes.

Q. Then he was, for a short time, the representative of the Finnish revolutionary government? A. Yes.

Q. Then he became sort of an attache of Mr. Martens? A. Yes.

Q. And is that what you referred to when you referred to him as "our Ambassador?" A. Yes.

By the Chairman:

Q. At that time he was Secretary to the Russian Ambassador of the United States, who was the Bolshevik Ambassador here, was he not? A. I think so; yes.

Q. And he was the Bolshevik Secretary, was he not? A. Yes.

Q. And you say that you were joking when you hailed him, in that meeting, as your ambassador? A. Yes; certainly.

Q. That is what we would like to know.

Mr. Sutherland.—Great applause followed that?

The Witness.—The speaker came up through the aisle and the applause was for him—not for me.

Assemblyman Everett.—I would like to ask Mr. Hillquit why he asked Mr. Claessens if the police were usually present when he held a meeting?

Mr. Hillquit.—What I wanted to bring out is that here is a man who delivered about 2,400 speeches, according to his testimony here, in the last eight years, and always in the presence of the police, and never got into any kind of trouble, presumably showing that his meetings were peaceful during that time.

Assemblyman Everett.—Well, you did not intend to insinuate that on account of the kind of a speech he made, or the kind of a man he was, the government protected itself by police?

Mr. Hillquit.—If the government had thought that August Claessens was so dangerous an individual and tracked him to 2,400 meetings, why, the government would probably have got hold of this villain.

Assemblyman Everett.—I thought it was unfair to Mr. Claessens.

Mr. Hillquit. — Thank you. I think I am subject to that reprimand.

By Assemblyman Harrington:

Q. It was not necessary to have police at your meetings, was it? A. Oh, I have never sent any invitations to the police force.

Q. Can you explain their presence in any way? A. Oh, yes. Now, in New York City we do not have any permit for street meetings. I think that is true likewise in most parts of the State; but we send a notification to the Police Department that on such and such a night we will have a speaker there, and then they send an officer to keep order.

By Mr. Hillquit:

Q. That is done at all political meetings? A. Yes.

By Assemblyman Harrington:

Q. Was that true before 1914? A. Yes, and in the western cities I have generally had the honor of having the Chief of Policemen there.

By Mr. Hillquit:

Q. That applies, does it not, Mr. Claessens, to meetings of the Democratic Party, Republican Party and Prohibition Party? A. At those meetings I have seen them; so I imagine it would apply.

Assemblyman Everett. — That is true of every meeting.

Mr. Hillquit. — Absolutely.

(Discussion off the record).

Cross-examination by Mr. Brown:

Q. Mr. Claessens, how old were you when you came to this country? A. Five years old.

Q. And you came with your father and mother? A. My mother.

Q. Your mother? A. Yes.

Q. But not your father? A. No, sir.

Q. Is your father living? A. Yes, sir.

Q. And how many children were there in the family that came over? A. Why, I was the only one.

Q. What say? A. I was the only one.

Q. You were the only one? A. Yes, sir.

Q. And your mother located immediately on the East Side? A. No, we lived in Philadelphia for about — I should think about six or seven months then they came directly to the East Side in New York.

Q. You and your mother came to the East Side? A. And my father.

Q. And your father arrived later? A. No, let me explain. That is what I called my father I mean my stepfather. He met my mother on the ship coming across. They knew each other for some time. I think they were married in Philadelphia and then both came to New York.

Q. And from that time on you lived in the East Side? A. Oh, yes.

Q. Were they poor? A. Oh, I should say so.

Q. They were poor? A. Very much so.

- Q. What was your father's business? A. House painter.
- Q. And did your mother work too? A. Yes.
- Q. And that kept up during your childhood? A. Yes.
- Q. Until you supported yourself? A. Until I, well —
- Q. And you helped support yourself while living with them as quick as you were able? A. I did.
- Q. And then you had your education as you described to Mr. Hillquit? A. Yes, sir.
- Q. How long have you been a lecturer in the Rand School? A. I think since about 1914 or '15.
- Q. You lecture there pretty frequently? A. Well, I haven't lectured there so much, Mr. Brown. I was appointed to the department of public speaking and for a long time I did nothing else but teach public speakers; that is, turned out specialist spellbinders.
- Q. You mean not in the Rand School but elsewhere? A. No, no, in the Rand School.
- Q. In the Rand School? A. Yes, in the last two or three years I have been actively engaged in teaching in their classes such as socialism and economics.
- Q. And have you frequently had regular classes? A. Oh yes.
- Q. And that went on for two or three years? A. Yes, sir.
- Q. And you usually were in the habit of having classes up here? A. Oh yes.
- Q. When you were here in the Assembly? A. Every night.
- Q. In Socialism? A. Yes.
- Q. What places? A. Last year I had two classes in Schenectady, Tuesday and Thursday nights; Tuesday night in socialism and Thursday night in public speaking. Then I gave a course in Troy, one or two lectures in Cohoes and here in Albany and at times I went to Rochester.
- Q. On these long journeys you have taken you have spoken almost exclusively on socialism? A. Oh yes.
- Q. This meeting in celebration of the second anniversary of the Soviet Republic was presided over by Mr. Trachtenberg wasn't it? A. Yes, sir.
- Q. Is Trachtenberg a teacher in the Rand School? A. He is.
- Q. Friend of yours? A. Well, more than that.
- Q. More than that? A. Yes.
- Q. Comrade? A. That is it.
- Q. You have been associated with him a good deal? A. I have.

Q. And he is a man that stands high in your regard? A. Personally I make reservations.

Q. You have some reservations? A. Yes.

Q. In relation to what? A. On his particular viewpoint on some things.

Q. His viewpoint on some things differs somewhat from yours? A. Oh yes.

Q. Now, you heard his speech, didn't you, at this meeting? A. I don't think I was in the room, Mr. Brown. There were three meetings going on at the same time, sort of a three-ring circus, upstairs and downstairs.

Q. You followed him at the close of his remarks? A. I probably just got into the room.

Q. You came in and he introduced you? A. I think that is the case.

Q. Did you address all three meetings? A. I did.

Q. And make about the same speech to each meeting? Fairly near.

Q. You were not talking on the suffrage amendment at any of those meetings? A. Oh, no, that had been settled at that time.

Q. Yes, you were talking about the matters in the other two meetings that you spoke about at the meeting Trachtenberg presided at? A. Yes, sir.

Q. Who presided at the other meetings? A. Oh, there were other chairmen. In the downstairs meeting; that is, in the basement of this building, I think it was a man by the name of Polstein, Isaac Polstein. The chairman of the outdoor meeting I don't remember.

Q. You don't remember? A. No.

Q. But you remember Trachtenberg? A. Oh, yes.

Q. This Trachtenberg speech seems to have been short. Are you quite clear that you didn't hear his speech? A. I am almost certain, but, furthermore, I will accept that; I have read it.

Q. You accept it? A. I mean as it stands there. I have read it and I know it. I don't mean every word.

Q. Did you hear him say that when we celebrate the second anniversary of the Russian revolution, as we celebrate the first anniversary, and in fact as we celebrate the establishment of the Soviet government, we always try to draw a few lessons for us in America, for the organized labor and socialist movement in this country because there is no use of having revolutions somewhere else if the workers in the other countries cannot profit by it?

A. I don't recall him having said that, but I read it there. I know it.

Q. Yes. You cannot say you heard him say it? A. No, sir.

Q. Can you say you didn't hear him say it? A. I don't recollect, but to save time I will accept it as such.

Q. You mean, you accept it as having been said by him?

A. Yes.

Q. Well, it did meet with your approval? A. That very paragraph you have read, yes.

Q. Yes. "The reason for such a thing as an isolated revolution in some corner of the earth where the people of the other parts of the world will not profit by it, and therefore on this second anniversary we ought to think and think very deeply as to the meaning of that revolution; what it means not only to the Russian worker; what it means to the workers of the world; what it means to the movement we have been working for and fighting for for so many years, and what it means for us in the future." That expresses your sentiments? A. Oh, yes.

Q. "It seems to me, as it seems to the socialists of America, that this establishment of the workers' government in Russia proves one thing, that if the workers are organized, organized politically and economically, and organized in the way we have to understand not only their immediate conditions, not only their immediate requirements, but understand the great purpose of an organized labor movement with them to understand the great mass of the working class and what they have to perform in this world — then we can have not only a Soviet Russia, but a Soviet government in England, Germany and a Soviet America, just as well (applause)." Did you hear that? A. No, sir,

Q. Did you approve of that? A. No.

Q. In what respect? A. In two respects. In the first place, Mr. Trachtenberg refers to the lesson you may draw from economic and political movements of Russia. I know of no such case, that is, they have had a political movement, but to my knowledge —

Q. To what? A. To my knowledge they have very little of a labor organization. Labor organizations were practically prohibited in Russia. I consider that a false statement, and as to his last remark about a Soviet England, Soviet France and Soviet America, I certainly do not agree with him. That is the gentleman's temperament, I suppose, to look at world events in that light, but I have spoken against that very idea in my own district.

Q. We will come to your speech in a few minutes. A. All right.

Q. You treated this celebration as carrying a great lesson? A. Oh, yes.

Q. To the workers of America? A. Everywhere, throughout the world.

Q. And when you speak of it as a celebration, you speak of it as something that you rejoice in? A. Oh, yes.

Q. And something that indicated a movement in Russia along the international lines, in that it was of the progress of workers?

A. No; I cannot accept that.

Q. Don't you look at it in that way as progress? A. I do not know what you imply by the use of the word international, Mr. Brown.

Q. Well, you are devoted to the idea of the solidarity, aren't you, of the working class movement throughout the world?

A. Yes, sir.

Q. You believe in that? A. I do.

Q. And you rejoice in what has happened in Russia as evidence of progress in that particular country along the line that you would like to see the progress take place? A. Pardon me, what do you mean—what has happened in Russia?

Q. Why, the Soviet government; the government of Lenine and Trotsky? A. The establishment of it?

Q. The establishment of it and the control of it by the workers? A. Yes.

Q. You like that, don't you? A. Oh, yes.

Q. You approve of it; you think it carries a great lesson to America? A. I think so.

Q. Yes. "The Socialist party is very anxious in organizing these meetings; in putting forth proclamations on this subject, to call to attention of the workers of America, that the Russian Socialist Revolution in November, 1917; teaches the workers of the world that great lesson, that solidarity, class consciousness, sacrificial idealism which Russian workers have manifested in this great work, is not purely a Russian method, but it is an international method;" you agree to that? A. Oh, yes.

Q. "And if our hearts and our minds link together with those Russian comrades, as we understand them, then we knew what it is up to us to do in this country."

Mr. Hillquit.—Is this still the quotation of Trachtenberg?

Mr. Brown.—This is still the quotation from Trachtenberg.

The Witness.—I do not know what he had in his mind as to what has been done.

Q. How does that sentiment strike you? A. Well, from the interpretation I could explain, but I cannot explain just what he meant.

Q. Did you approve of it? A. Because I do not understand, I would not approve of it.

Q. All right, you do not understand it? A. Yes.

Q. Now, when you followed Trachtenberg, you opened with the remark—it occurred; you did not open with the remark; but you did say, “Yes, as Comrade Trachtenberg said, when we read and when we hear these things, we immediately begin to grasp the significance of what socialists call ‘the social revolution?’” A. Yes, sir.

Q. You said that and you meant it? A. Yes, sir; I did.

Q. “The revolution itself, you know, which so scared the average thick-headed American into the idea of bloodshed and violence, a revolution that history tells us is a very harmless sort of thing—it is a change in the form of government—‘a change from a kingdom to a so-called republic is accomplished by revolution.’ ‘Revolutions,’ says Kirkpatrick, ‘are seldom noisy or bloody, unless the ruling class imprudently and stupidly stand in the path of progress and cry halt’—just like a locomotive, not dangerous at all, but a very useful thing, except to a jackass that will stand on the tracks (laughter); that is, locomotives were not built to kill; they were built to move forward, to do some good.” A. Yes, sir.

Q. Now, that shows, doesn’t it, after I read it to you, that you had a pretty clear understanding at the time of what Trachtenberg had said? A. That may be so.

Q. And it may be sunshine, and it may be cloudy, but I ask you, if that does not recall to your mind that you had clearly in your mind what Trachtenberg had said about the Russian revolution? A. No, sir; in the first place, there was a speech before Mr. Trachtenberg made his remarks.

Q. No, no, but here you say, “Yes, as Comrade Trachtenberg said, when we read and when we hear these things,” you referred

immediately to what he said about the revolution, didn't you? A. I must have heard his last remark.

Q. What? A. I must have heard his last remark.

Q. Did you hear what he said that you referred to in these remarks that I just read to you? A. Yes.

Q. There is a close and an immediate connection which you would show by referring to what Trachtenberg said? A. Evidently.

Q. And you were using what he said for the purpose of shortening what you needed to say on the same subject? A. It appears that way, yes.

Q. Now, there wasn't any very great difference between you and Trachtenberg that appeared from anything you said on that occasion; you didn't take pains on that occasion to differ from anything that Trachtenberg had said, did you? A. It is a general practice of speakers —

Q. I didn't ask you that now. A. Then I will say no.

Q. I am much obliged to you. I notice a little earlier in your speech that you say "I, being a native of Harlem and not a Russian — and I glory at that," what did you mean by saying you were a native of Harlem; did you regard that as a joke, or did you refer to Harlem in Holland? A. No.

Q. You did not? A. No.

Q. You referred to 125th street and its neighborhood, didn't you? A. Below that.

Q. You really didn't mean that you were a native of Harlem? A. I do not recognize that language as my own at all.

Q. You do not recognize that? A. No.

Q. Do you deny that you said it? A. I said something which the stenographer did not get exactly. I may state what I think I stated.

Q. You were not talking through your hat at that time? A. No, I am not a lawyer.

Q. You meant to be in earnest? A. Yes.

Q. You were making an earnest address? A. Yes.

Q. It was a very earnest discussion, wasn't it? A. It was.

Q. And you had a very earnest purpose in mind when you were addressing that audience? A. Yes, interspersed with humor.

Q. And you followed it with this remark, "So with revolutions. We had a revolution here in this country in 1776. There are quite some people to-day who call themselves the Sons or the

Daughters of the Revolution; and there are hardly very many of them that understand what the word 'revolution' means, and if they would meet one in actual making, I am afraid that they would denounce the fact that they were ever even associated remotely with an organization that had the word 'revolution' as part of its charter." You know the history of the American revolution, don't you? A. Yes.

Q. You know there was fighting? A. Yes.

Q. And killing? A. Yes.

Q. And bloodshed? A. Yes.

Q. And suffering? A. Yes.

Q. And a seven years struggle before the war was won? A. Yes, sir.

Q. And that that revolution meant war; you knew that?

(No Answer).

Q. That revolution in 1776 meant war? A. If by revolution you mean merely the war itself, I do not understand history in that light. The warfare was the culmination.

Q. As you say, bloodshed is incidental to revolution? A. Yes.

Q. You knew that the American revolution had such an incident connected with it? A. Unfortunately.

Q. And you referred to it in this speech where you were talking about the revolution, that the Socialists were looking for, didn't you? A. No.

Q. Didn't you use it, didn't you speak of it, — What did you speak of it for — because of its peaceful phase? A. I qualified the word revolution. Why should I make the remark about the Sons and Daughters.

Q. That is what I am trying to find out. A. Give me a chance.

Q. I have given you all the chance in the world. I will stop now and let you talk half an hour if you want to? A. No.

Q. Now, what did you refer to the American revolution for in connection with your talk about the Socialist revolution if you had in mind a peaceful revolution — what did you refer to it for? A. I referred to it in the sense that some people can consider the word "revolution" only in relation to violence, and if you read my speech, many clauses like that —

Q. I will read most all of it; I will help you a lot. A. Good. Then you will come to the answer.

Q. That wasn't a joke when you referred to it, was it? A. No, pardon me, I meant no, sir.

Q. "But, revolutions in themselves are not necessarily the aim of Socialists. A revolution is a change in government, but what we Socialists want is more than a change in government." A. True.

Q. That is you wanted a change in government and something else besides? A. Oh, yes.

Q. Then you explain what you want — "We want a social revolution, which means a complete change in the economic, social, intellectual, moral as well as physical phases of life." A. Yes, sir.

Q. And to get that you wanted a change in government first as a condition of enabling you to do it? A. That is why I ran for public office.

Q. That is what you want now, but I am not talking about your present desires. A. My future desires I don't know.

Q. I am talking about generally your ideas. A. Yes, sir.

Q. "The foundation of present day society is the exploitation of one human being by another." You referred to the present day society in this country when you said that, didn't you? A. Present economic order.

Q. You referred to this place right here where we live? A. Yes.

Q. New York State and the different parts of the state? A. The whole United States.

Q. The whole United States? A. Oh yes.

Q. "We want to strike at that from the foundation, and in removing the private ownership of the things that are necessary to life, we remove the foundation, and once you remove the foundation the entire structure collapses, ought not to be rebuilt. We Socialists are Social revolutionists." A. Yes.

Q. That's correct? A. Yes, that is the qualification.

Q. Well, it all ought to be read together, ought it not? A. Yes, sir.

Q. "And for some of the detectives that are here, let me tell you that we are really the most peaceful people in the world, so much so that we are pacifists,"—you meant pacifists in this war, didn't you, that was pending at the time? A. Yes, and to war in general.

Q. That is, you did not believe in fighting the war? A. No.

Q. You did not believe in lending any help or aid to it? A. No.

Q. Notwithstanding we had armies in Europe fighting at the time? A. Yes, sir.

Q. You knew that fact? A. Yes, sir.

Q. You knew men from your neighborhood and your district that were over there fighting at the time? A. Yes, sir.

Mr. Hillquit.—What time—that was 1919 when he made this speech.

Q. You knew they were in Europe at the time? A. At the time that you mean?

Q. You knew they had not come back, had they? A. Most of them had been back by this time.

Q. Not all of them—at any rate you held to that sentiment during the time that they were fighting? A. Yes, sir.

Q. Now the reason you give for that is that “We hate the shedding of blood, for we believe that ‘hanging and killing never did any man any good.’ It has no educating influence.” A. Yes.

Q. “So, in order to accomplish the Social revolution, something more is necessary than merely changing the government, your idea of changing the government was clear? A. Yes.

Q. Now I come to another part. “When I pick up the newspapers, and you pick up the newspapers, and you read of the race riots, you read of the brutality, the bestiality of the great mass of the American people, you will find that we are still such an inferior and beastlike set of creatures that we are far from that fine spirit of idealism which our comrades in Russia are so many thousand years ahead of us?” A. Largely rhetoric.

Q. That was largely rhetoric? A. Although the first statement I will stand by.

Q. You are an instructor in rhetoric? A. Yes, and I make use of it.

Q. You have had a good deal of experience in it. A. Somewhat.

Q. Is there anything in the practice of rhetoric that leads a man to say of his own people, that have given him an opportunity such as has been given you, from the poverty that you sprang from in Europe, to say such things about people as this—is there anything in rhetoric that justifies such a development? A. No, not in rhetoric, but in fact.

Q. But in fact? A. Yes.

Q. That is, you regard that as an impression? A. That was.

Q. That is your impression? A. It was.

Q. Do you want to take the eloquence of it and state it in plain English language? A. Yes.

Q. Now, you just take it and give it in plain English language with your eloquence? A. I will.

Q. Take it right here now. A. I will give it as I understand it.

Q. Now what is there about that that you want to change? A. Oh, exaggeration there.

Q. What? A. Exaggeration — over-statement, but the main contention there I still adhere to.

Q. You are talking about the brutality and the bestiality of the great mass of the American people; do you want to take that back? A. Reduce the word "great."

Q. Do you want to make it "little" mass of the American people?

Mr. Hillquit.— You asked him to take out the rhetoric and state it in plain prose. Please permit him to do so.

Q. He may do so. Let see what you meant by that. There is the sentence right there, commencing right there (handing paper to witness)? A. (reading) "When I pick up the newspapers, and when you pick up the newspapers, and you read of the race riots" — that is all rhetoric. "You read of the brutality, the bestiality of the great mass" — the word "great" is out of place.

Q. Just strike out the word "great" there. A. No — "masses" itself would be indefinite.

Q. You are going to strike out "great masses?" A. Yes.

Q. Where are you going to leave your bestiality? A. In the evidence that I recited, in what I have reference to, Mr. Brown, and I am sure you will hear me — I am very much affected and I have been very much affected —

Q. You have been what? A. Very much affected by these riots that have taken place during the last two years, the last St. Louis race riot, the Chicago riot. I had just come from Chicago a little before that time, and had made an investigation of the treatment of our colored brothers of the South by the natives there, and I also had in mind the bigotry and intolerance that so many supposedly American people have against those who are so unfortunate as to have an idea or an opinion different from their own.

Q. Now, that led you to speak of them as brutal and bestial? A. And not with any glory or glowing about it. As an educator, I am working and have been working to put an end to that condition in this country.

Q. Well, now, you said that we were such an inferior race and it was from that fine spirit of idealism which our comrades in Russia are so many years ahead of us? A. That is the pure rhetoric.

Q. You think you would reduce a thousand years; take out that many? A. Oh, reduce it further than that. At the beginning of my address I referred to Arthur Ransom's book and asked them to read it, and Ransom —

Q. I didn't read it. If I had I probably could examine you another hour.

Mr. Block.— Read it, Mr. Brown, it will do you good; it is very interesting (laughter).

By Mr. Brown:

Q. Now, I notice another thing in here (reading): "Illiterate," referring to Russia, "yes, they cannot read. Well, that is not necessarily a sign of stupidity. If literacy was a sign of intelligence, then hats off to the American people, but we know that illiteracy, and very often, and Buckle tells us that, and you must never forget it — Buckle was the one historian who pointed out that when the printing presses came, the great mass of the people became more stupid." Does that express your sentiment? A. He shows evidence of that.

Q. I ask you? A. Yes.

Q. He says before the people could read a liar had a limited audience? A. True.

Q. You didn't have any reference to yourself, did you? A. Oh, no, I generally had a large audience.

Q. Not a personal remark, "A fakir would have to reach people only by word of mouth"? A. True.

Q. You didn't refer to the fact that you yourself always communicated to them by word of mouth? A. I also realized every one else in this country uses that means to communicate.

Q. What did you have in mind? A. I had in mind Buckle's specific illustration.

Q. "Once the printing press came into existence the liar now had a large audience and since the people will always believe lies with greater avidity than they will the truth, you have the situation of the American worker, with the American slop jar, the garbage can — call it the Tribune, or call it the World, or call it the Journal, or call it the Times, pumping lie after lie into him

with no possible let up. You get a peculiar mental case of constipation that interferes with thought, and brings about a condition where the literate people may often be the most stupid of the people; and that is the peculiar situation we have here." Now, you consider the Rand School a center of learning don't you? A. I do.

Q. And you have made it your business to become a student, a professor and a public lecturer? A. I have.

Q. I want to ask you whether you think that represents a patriotic attitude for a man of your information to adopt towards the public? A. It depends on what I understand by the word patriotic.

Q. I know, but you don't understand that that interferes with the patriotic attitude on the part of a citizen towards his country? A. Oh, certainly not.

Q. Not at all. Now, Mr. Claessens, you are aware of the fact that a reasonable respect and regard for the methods of government and elections is necessary for the maintenance of order and peace in the community, don't you? A. A reasonable amount of respect?

Q. Yes. A. For the maintenance—

Q. For the peace and order of the community. You know that it has a very bad effect upon the peace and order of the community to be of the opinion that no confidence can be had in popular elections. You know that? A. Very true; yes.

Q. And you know there is nothing that tends more to stimulate revolution than a belief on the part of the people generally that you cannot rely upon the result of the election or upon an election being fairly held? A. That is my quarrel with the Republican party in my district.

Q. You know that is a fact? A. Yes.

Q. And you have read extensively in relation to civics and history? A. I have.

Q. And government? A. Yes.

Q. Now, you said there on that occasion, "We have been through the campaign in 1914 and 1916, the time when Hillquit was first cheated out of his election." Now, you don't mean to say that you have got the personal information to warrant you in saying that Hillquit was cheated out of his election, do you? A. I was there and saw it; watcher on the occasion.

Q. Watcher, at some one poll? A. And furthermore, at the meeting where the testimony was taken from other watchers.

Q. Now, look here, you know that the ballots in every election district are saved, don't you? A. Oh, no.

Q. They are saved and can be recounted? A. No, sir.

Q. Under the law? A. No, sir.

Q. They are not? A. No; not in New York.

Q. They are destroyed? A. Oh, yes; if you will look up the Hearst controversy you will find that many ballots went down the East river by the time they got ready to count them.

Q. You know the law provides for the saving of the ballots? A. Yes; but lawyers don't seem to have any regard for the law.

Q. Now, did you ever know of any ballots being destroyed in your district so they couldn't be recounted? A. No.

Q. Did you ever see it done? A. No; only they are destroyed after a certain time.

Q. After a certain time they are destroyed if the process of law doesn't take hold to count them? A. Yes.

Q. But if the process of law takes hold to count them within a reasonable period, they are all preserved for that county? A. That is the theory.

Q. And if they are not preserved, some one violates the law? A. Very true.

Q. Yes. Now, you said on that occasion: "Election day began. Every coking fiend, every thug, every dirty crook that the Democrats and Republicans could sweep out of the Bowery, they put into the election places in Harlem?" A. That is wrong.

Q. That is wrong? A. I have libeled the Bowery. This element comes from Lenox avenue and 116th street.

Q. Is that all you have libeled? Haven't you libeled American institutions when you say that? A. Oh, no; this thing I consider a disgrace to American institutions.

Q. Well, you went on there with the narration of a lot of information that you claimed was information in relation to what had taken place in your district on that day that you claimed to be in violation of the law? A. Yes.

Q. And at your expense; that is, your loss of votes? A. Yes.

Q. Notwithstanding the fact that the machinery operated to give you a majority? A. I wouldn't say operate.

Q. You wouldn't say operated? A. No.

Q. Well, the counting as made by the different boards in that district when added together showed you had a majority? A. When I made that speech —

Q. Didn't it? A. After I made that speech, the newspapers still declared I was not elected.

Q. You are perfectly familiar with the difficulty of getting out an accurate result in an election where there are a great many votes to be counted, and you know the doubt that often arises where there is no more than two or three hundred votes in a big assembly district; you know the first reports are to the police, and you know they have to be gone over two or three times, and not until your votes are finally declared by the Board of Elections do you know exactly what the result is? A. Quite so.

Q. And while that was going on— A. Yes.

Q. You knew that you were inflaming the minds of the people listening to you in relation to the institution of an election in this country which actually worked out your own election, don't you? A. No, sir.

Q. You don't know that? A. I was expressing their feelings and if you get quotations there you will find I tried to still those by all means.

Q. I haven't seen it.

Q. Now Mr. Claessens, you know that a decent respect for the judiciary and the administration of the law is absolutely essential to the maintenance of our institutions, don't you? A. I do, sir.

Q. And you know that when you preach that you cannot rely upon the judicial institutions you are helping to undermine the institutions of the country? A. I am not, but the type of judges that are elected by fraud.

Q. You said to them: "Say, if you don't count them right take the thing to court. You have same chance in court with the representative of the same crook sitting there, too, some opportunity you have got. (Applause.)" Now, you know that that court takes place under a judge of the Supreme Court, don't you? A. Yes.

Q. And you must have referred, therefore, to judges of the Supreme Court when you made that remark? A. Why, I had in mind a judge down there at the present time who is holding his seat by fraud.

Q. A judge of the Supreme Court? A. You know the case of Delehanty and McIntyre.

Q. No, I don't. I don't live there. I do not know about it. (But that is what you had in mind? A. That is one instance.)

Q. And you were telling you audience if there was anything done wrong in that election, you were telling them they had no

chance with a court of that kind, because they were representative of the same crooks that were trying to reduce your vote. You were doing that, weren't you? A. I said that.

Q. And you meant it? A. Yes, sir.

Q. Now, you said further to them: "I tell you, my friends, if we take this situation as it stands now, and lay down, then we are the dirtiest cowards on the earth. We are going to fight." A. Yes, sir.

Q. "I do not hope much from the courts, understand, because the courts are elected by just such practices." A. Yes.

Q. "These very small judges hold their seats by just the same fraud." A. Yes.

Q. "If they are not thieves, a great many of them are receivers of stolen goods, and you can imagine—you can imagine how much justice you can get from this bunch". A. Yes.

Q. Now, you were telling them — It was quite a large audience, 2,000 people, wasn't it? A. Considerably so.

Q. You were telling them there was no hope of getting justice from courts if any wrong was done in relation to election cases, if they were not thieves, they were receivers of stolen goods? A. I might qualify that and, unfortunately, in so far as the statement gives the impression that all courts are that way, that would be stupid on my part to give that impression.

Q. I think we know this may be said about you, that you are not stupid; I will acquit you of that? A. Yes, I am.

Q. I will acquit you of that. A. Thanks.

Q. "I know some people said yesterday, and I know some of you feel, 'to hell with the whole matter of voting; to hell with the whole form of government.'" A. That is in quotes, isn't it?

Q. Now, you were an Assemblyman-elect of the State of New York when you said that?

Mr. Hillquit.— Said what?

A. I did not say so. I repeated what was being said to me throughout my district.

Q. Yes, sir. I know, and I will read what you said. "If the government rests upon thievery and fraud,"—after having stated above that we did,— "you might just as well refer to this nation as 'the United States of thieves.'" A. Yes, sir.

Q. That was your language? A. Yes.

Q. "But I am not one of those to become pessimistic." A. True.

Q. "We are here tonight celebrating the Second Anniversary of the Russian Revolution; and, comrades, while the Russians have not the privilege of voting, if it may be called the privilege in the days of a Czar, they had not themselves what you would call a democracy before the Czar; yet our comrades in Russia were also treated like dogs, were also shot and hung, and sent to Siberia. Every dirty trick they used against us here was used against them, and only worse." Now, you were intending to communicate to this audience of American citizens that their rights were very much interfered with in this country? A. Oh, yes.

Q. That they were oppressed? A. They knew it.

Q. They were oppressed; they were badly treated by the government? A. No.

Q. They could not rely upon their elections? A. That is better.

Q. They would rely upon the courts to give them justice? A. Yes, sir.

Q. "Did it kill their spirit? Did they say, 'Oh, what's the use? Give it up, you cannot accomplish anything. You are up against a mightier power; what is the good?' Our Russian comrades did not say that. They were fighters; and when we are celebrating the Second Anniversary of the Russian Revolution, we celebrate the Second Anniversary of the success of fighting men and women, and if we celebrate that in the highest possible form, not only in our idealism, but in our enthusiasm, then we celebrate it also as martyrs, and not as cowards." A. Yes.

Q. What did you mean by "martyrs?" A. Many of the people in that audience there, I may speak frankly, were Russians. They know what I meant when I spoke of the fighting spirit of the Russians.

Q. What did you mean by martyrs? A. Martyrs? I used the word in the sense that people were being mistreated for a cause, for an idea.

Q. "We celebrate it as martyrs." A. In the sense that we were victims. I should have used the word "victims," and not "martyrs," a poor choice of words.

Q. You did not have in mind when you used that word that if they fought as Russians fought, some of them would be killed, and those who were killed would be martyrs? A. Oh, no.

Q. That was not in your mind at all? A. Oh, no. I do not use the word "fight" in that way at all.

Q. Oh yes you did—"They were fighters; and when we are celebrating the second anniversary of the Russian revolution, we

celebrate the second anniversary of the success of fighting men and women"— A. But I did not use the word "fighting" to mean violence. I consider we are fighting each other now.

Q. What did it mean in Russia? You were talking about Russia. Did it not mean fighting men and women? A. No, and if you will give me a minute to explain, I will tell you that the Russian revolution they were celebrating was the first revolution in Russia. The first revolution was a comparatively tame affair. The army was broken down and the army came marching home, and the Czar, looking out of his window, simply said: "It is time for us to go," and beat it.

By the Chairman:

Q. Well, those fellows have all been killed now? A. Who?

Q. The Czar. A. I don't know. He has been dead so many times that you cannot tell.

Mr. Hillquit.— We may admit he is killed.

Mr. Block.— Well, we will kill him now, if necessary.

By Mr. Brown:

Q. (Reading): "I warn you, comrades, that we are not going to lay down on the job, and I have spoken around the street corners the night before last, and I have told my constituents the same of such a condition. I have likewise told any person who still remains a Democrat or a Republican — I do not care how honest and clean you may be, you are an accomplice of a crook."

A. Yes.

Q. (Reading): "You have absolutely no right to speak of democracy (applause.) You have absolutely no right to speak of an American Republic; there is no American Republic. It is merely one huge institution based upon fraud — God Almighty — if the men and women cannot cast their ballots, if they cannot get counted their own ideas what is the sense of this whole thing?"

A. Yes.

Q. Now, you did not think that you were preaching sedition to that audience? A. Oh, no.

Q. Or tending to stir up a spirit of rebellion against the government? A. Oh, no.

Q. What you were saying was a patriotic sentiment, tending to maintain the government of the United States? A. I cannot accept your understanding of the word "patriotism" at all. In my life, from my point of view, yes.

Q. I did not tell you what my idea of patriotism was. I asked you if, from your point of view, your statement was a patriotic statement? A. From my point of view, yes.

Q. That is what I want to get, your point of view. A. I will be glad to explain it.

Q. (Reading): "Now, thank goodness. Socialists are not only working along political lines"— A. Yes.

Q. —"If we thought for a minute it was merely a dream on our part, a great political controversy until we have a majority of men elected, and then, by merely that majority declare the revolution, if any of you smoke that pipe-dream, if that is the quality of opium you were puffing now, give it up. Give it up." A. Yes.

Q. Now, you regard that as an intimation to your audience of your adhesion to the government of the United States, did you not, and its institutions? A. You would have to understand what I meant by that.

Q. What? A. You would have to understand what I meant by that.

Q. Well, how many languages do you speak? A. Well, I speak particularly the language before you.

Q. You speak the English language, do you? A. Yes—at least, I think I do.

Q. You speak English? A. Yes.

Q. And you occasionally say something when you mean what you say? A. Why, certainly, I do; but that does not explain what I want to say.

Q. Why do you tell me that demands an explanation. Don't you think I can understand simple English, like you? A. No. Give me an opportunity.

Q. I accept your judgment. A. It is not a judgment. It is a description.

Q. (Reading) "Yet I do not want any of you to go to the opposite extreme." A. Good.

Q. Exactly. "The economic movement is also the movement by which Socialists are marching on; but the economic movement also has its shortcomings; and it also meets the Cossacks, and the brutal forces of the capitalist power in every way. But there are other things we want. We are working not merely upon the industrial, upon the political, not merely in the cooperatives, but along the broad lines of education, and I do not know, and you do not

know, and there is to-day nobody in this room that knows how the social revolution will be accomplished in this country. At least, the luck that the Russians have, I doubt whether we will have it for ten million men to walk home, leaving their offices, in the sewers (inaudible) — walk home with guns, that is a picnic, that is easy for any revolution — (inaudible). (laughter). But that is a condition that you have not got here.” A. Certainly.

Q. Now, do you mean to tell the Committee that when you delivered that paragraph you were not communicating to that audience the probability that at some day not too remote there would be some event occur that would enable them, by using force, to turn over the government? A. No, I state that specifically.

Q. You were not conveying any idea of that kind at all? A. No.

Q. You regarded that as a patriotic talk? A. No, descriptive sociology.

Q. Well, did you not regard it as patriotic? A. Descriptive sociology is not necessarily patriotic.

Q. Well, I think you are right about that. Now, you went on, and I think it is important enough — Mr. Hillquit confined himself almost wholly to this speech, so I will dwell on it a little more — “So, under the circumstances, we have to proceed entirely different, and we have also to realize the group forces against us, and, as such, we have got to use every opportunity we can get.” A. Yes, sir.

Q. (Reading.) “I am not despairing yet as to what happened last Tuesday. It was the worst possible thing, but we are going to take the matter up legally. We can. We are going to present the fight as bitterly as we can, and we are going to call upon you witnesses, in a few days, and I want you to keep yourselves ready for it, all you that have seen this fraud. We are going to ask you, if it becomes necessary, and if we do not win in that particular instance, if some of these people are still permitted to do that, then, cheer up, there is more than one way to kill a cat.” A. Yes.

Q. What did you mean by that? A. Oh, it is a usual expression, more than one way of doing it.

Q. Is that your rhetoric? A. Yes, it is a common expression.

Q. You meant by that a perfectly peaceful way, in compliance with the law, in harmony with the law? A. Yes. Counsel, would you pardon me? All of this cannot be understood unless you know that when the speech was made I did not know I was elected. A

lot of misunderstanding on your part is due to the fact that when that speech was made I did not know I was elected, and that we had talked about several things.

Q. I know that. I noticed particularly that you said they thought you could not get any justice and you said you were going to the court to get justice, and if you did not get justice, you would kill the cat some other way. A. But not the Judge.

Q. I perceive what you say and I am surprised that you think I do not. (Reading): "Yes, and in celebrating the second anniversary of the Russians, we celebrate their enthusiasm and their spirit, and you cannot celebrate without getting that spirit into you also." A. Yes.

Q. Exactly; you meant the Russian spirit? A. Yes.

Q. You meant the spirit of the Russian revolution? A. Yes.

Q. Involving a change of government? A. Not necessarily.

Q. Involving the triumph of the workers? A. Yes.

Q. Doing away with the capitalist system? A. Right.

Q. And if you could not skin the cat one way you could the other. You meant by that if anybody got in the way of the locomotive he would get killed, did you not—what you said in the same speech? A. That happens on every railroad track.

Q. And you thought you were in control of the railroad track at that time and were running the engine; you were a little inflated? A. Well, no.

Q. Were you not pretty well up in the air that night? A. Oh, I was, and you would be too, counsel, if you were in my position.

Mr. Hillquit.—Would you read after the killing of the cat, Mr. Claessens' explanation of it? Would you kindly read that?

Mr. Brown.—Yes. (Reading): "There is more than one way to accomplish things, and we will use political power as long as we have it, and political campaigning as the platform of call for the Social revolution, and we shall do that to our utmost."

A. Right.

Q. Then you tell about traveling for twenty thousand miles. I do not know as I care to read that. I do not object to reading it—yes, I guess I will read that, too; it is pretty good—"I am going to travel the country for twenty thousand miles, from coast to coast; and I am going to tell some of these staunch American patriots what a democracy we have." A. Yes.

Q. "What a humbug and what a fraud we have, and I will be back here probably in October again, just in time to make another fight in this district." And now the next passage is—I won't read all of it unless you ask me to; any time you want me to read I will. "It was mean, it was dirty, it was the lowest—and if that is American—well, then, we are proud to be called non-Americans (laughter). The dirty trashy way—if that gang stands for that, refers to Russia as a country of atrocities, then, I tell you, some day the Russians will have to send missionaries to the United States (applause) for the purpose of bringing decency in here." Is that the way you felt about it? A. Yes.

Q. Is that the way you feel about it now? A. Well, no.

Q. You have changed? A. Although I think we could have a little instruction on decency.

Q. But you do not feel that way now? A. No; under the present circumstances I feel we can get a little instruction from the Czar.

Q. Now, you think that there is a certain sort of dignity and restraint due to a man who is instructing the people pretty generally in the United States in relation to citizenship? A. Certainly.

Q. I want to ask you if you think that this was tending to maintain decency and order in the United States: "My God, when I looked at some of those dope fiends that sat around some of those boards, I thought to myself—some of you smile, gentlemen, and newspapers talk about the nationalization of women in Russia. If there was an ounce of truth in your particular damnable lot, you would be the first ones to take a steamer to go to Russia." I want to know if you now approve of that? A. Yes, counsel.

Q. (Reading): "The language that those men used at the polling place there was absolutely unfit for pigs; and those are the types that we are supposed to believe uphold our American democracy. If it was not a fact that a change was coming, we would say: 'To hell with the whole business.'" A. Yes.

Q. That is, if conditions in this country were not to be changed? A. Did not improve.

Q. You would say: "To hell with the whole business?" A. Oh, I would give up life.

Q. What change did you have in mind? A. The general change I announced in the first part of my talk. There must be

a general educational, cultural and moral evolution in this country; and if I had an idea that that change would not come, I would not care to live; for I know no other country than this.

Q. I noted particularly what you said over here: "If we thought for a minute that it was merely a dream on our part, a great political controversy until we have a majority of men elected, and then, by merely that majority declare the revolution, if any of you smoke that pipe-dream, if that is the quality of opium you are puffing now, give it up. Give it up." What did you mean by that? A. Let me explain. In the first place, understand that I speak down there continuously, very frequently. I cannot go over the same explanation every time.

Q. Is that a representation of your general talk? A. It is unusually unrepresentative, and I think I have stated the reason for that. Here is the meaning of that passage: "A pure political victory, in the sense that a candidate is voted into power, does not definitely constitute a revolution in the sense that that majority may be overthrown in the next election, and so on. In this country I had that in mind particularly; consequently, that great mass of voters, whom you might call "Rockbed" and those who are sympathetic are in a state of flux; consequently, we Socialists are engaged in the work of education in order that we may get together a general organization; so we may have a majority and then we can carry out our ideals.

Q. You do not expect to be like the Republican and Democratic parties, get in alternately? A. Oh, no.

Q. You expect to go in and stay there?

Mr. Hillquit.— Yes.

A. Well, except on this occasion.

Q. Well, now, I listened to your conversation — your testimony — in reference to the 270 and 360 votes that were in one district — 270 for you and 360 against you — A. No, that is wrong.

Q. Well, there were 270 for you? A. Yes.

Q. He said he would give you 270? A. Yes, he said: "Will you take 270? There were about 360 votes there.

Q. Did you ever count them? A. I had two watchers counting them.

Q. Did they say they counted them over? A. Yes.

Q. But you never had it verified by any proceeding because you were elected? A. That is it.

Q. And you took their word for it, that there were 360 instead of 270? You had no personal knowledge on the subject? A. No.

Q. None at all? A. No, except they made out affidavits to that, because there was a contest for alderman in that same district.

Q. You are familiar with this affidavit business in elections, aren't you? A. Not thoroughly.

Q. They are very apt to be confused? A. Yes.

Q. Just as likely to make a mistake on one side or the other — the ballots were saved, weren't they, they were put in the box?

A. I think so.

Q. If you did not have a proper count there you could have done just as Lee did, have them counted afterwards by an order from one of the "crooked" Judges? A. I hope so.

Q. Now, you are not in favor of any appropriation for military or naval purposes, or for war, are you? A. I wouldn't put it that way.

Q. You don't agree with the Socialist platform in that respect? A. I agree with the Socialist platform in that respect, if war is used in the sense of aggression, or in the hypocritical sense of defense, no, but in so far as I can conceive —

Q. You have never run across any war yet that you are in favor of making an appropriation for? A. Yes.

Q. Which one? A. That I ran across?

Q. Yes? A. No I have not lived long enough.

Q. Since you have been a voter we have only had one war? A. Only one, thank God.

Q. That war you were absolutely against supporting? A. I was.

Q. You know, don't you — you know, don't you, that if you don't have an army or a navy that a revolution is very much easier in a country than if you do have one? A. No, sir.

Q. You don't understand that? A. Not necessarily.

Q. You don't think that is so? A. No, I take history as an example.

Q. And you think that a well trained army and a navy would be a help to a revolution in a country? A. Yes, sometimes. In fact, that was the success of the Russian revolution. A well trained army came back looking for the crowd that had sent them to the front.

Q. We understand that situation. I am not going to take that up in detail. I notice that you, in your votes in the Assembly, that you objected to making available for the National Guard, certain moneys appropriated for the National Guard, do you remember that? A. No, sir.

Q. On January 9th, 1918, you voted against an act to make available for the New York Guard certain moneys appropriated for the National Guard by Chapter 181 of the Laws of 1917?

A. Now I recollect.

Q. You recollect that? A. Yes.

Q. You knew what the New York Guard was, don't you? A. Yes, I do.

Q. That was a temporary guard to act in the absence of the National Guard in the war? A. It was.

Q. You voted against that? A. I did.

Q. What was your reason? A. If I remember that specific bill it emanated from a newspaper campaign in the City of Buffalo. It had to do with giving the men a bonus.

Q. Oh, no; nothing of that kind.

The Chairman.— This was for the Guard to protect the people while the regular soldiers were at war.

Mr. Brown.— This was for the Guard to protect the people while the regular soldiers were at war.

A. I will have to look up the specific bill.

Q. You don't know about that? A. I don't recognize it the way you read it.

Q. Now, do you remember the bill to amend the Educational Law in relation to the qualifications of teachers, containing the provision to exclude alien enemies from the teaching staff of this department in the state? A. Yes.

Q. You voted against that? A. I did.

Q. Why did you vote against that? A. I stated my reasons on the floor.

Q. Can you state them to me now? A. Briefly.

Q. Give it to me briefly. A. At that time, this bill, if I understand, the first time it came up was introduced by Mr. Amos.

Mr. Hillquit. — Did you say alien enemies?

The Witness. — Oh, no; it doesn't say that there.

By Mr. Brown:

Q. Do you remember the bill? A. Yes, I remember the bill.

Q. What did it do?

Mr. Hillquit. — Let's clear it up. Was it a bill to bar alien enemies or aliens from positions as teachers?

The Witness. — The first one that came up I think dealt specifically with all aliens and I stated the reason on the floor. I said emphatically, and I am sure you could find the record if we have it, that we have no objection to compelling every teacher to become a citizen. In fact, I believe that we should have citizens teach our children. I objected to the bill that year because of the fact that it made no provision for such minors that had no opportunity to become citizens, and we asked a specific amendment, if I remember

Q. I see. A. However, the bill went through. Now, there is another one. Then it came up last year and they tried to repeal the very thing they passed the year before and permit aliens to teach. They will accept aliens now except those associated with powers arrayed against us in the war. Then I insisted, why make this discrimination? The war is over, Either let every teacher be a citizen or don't make any discrimination. That is why I voted against it but I insist on citizenship in teachers.

Q. Now, I notice that you voted against a bill in 1919 permitting the use of armories for physical training. What is your idea on that? A. Oh, I don't know. If a man has to explain all the things he does —

Q. You don't have any explanation? This has been publicly circulated. A. Voting on six or eight hundred bills here —

Q. Oh, no. This has been printed in charges against you in the evidence. A. Yes, unfortunately so. I admit I did it.

Q. I notice you voted against an act relating to the desecration of the flag? A. Yes, sir.

Q. Why did you vote against that act? A. That is interesting. I think you would vote against it too. It wasn't an act relating to the desecration of the flag, but it was to publish 10,000 copies for a particular society in Syracuse. Now, if that society was patriotic, let them print it themselves.

Q. If that is so, I will agree with you on that. I will get the bill. A. Get the bill.

Q. Now, I notice that you and Solomon were the only men that cast a vote against the act to provide for paying members of the

National Guard who served without the state in response to the call of the President, June, 1919. A. I think that is the bill I described before that emanated from Buffalo. There are arguments pro and con on that.

Q. It applied to the whole state? A. Yes.

Q. I don't know where it emanated from.

Mr. Hillquit. — I think that is the bill that was defeated in the Senate.

By Mr. Brown:

Q. I am asking him why he voted against it. I am getting at his attitude in relation to these matters. A. If my attitude had been to vote against all military matters and I considered the bill as such; if my attitude had been to support the party position in voting against appropriations, I wouldn't give you any other impression. I would say yes; but these are bills which had to do with military matters and we voted yes on a considerable number of them.

Q. On the bills relating to military matters? A. Yes.

Q. You mean making appropriations? A. No, reorganization, difference in pay.

Q. I am talking about appropriations. You didn't vote for any appropriations? A. No, Because this was supposed to be pay for service performed.

Q. I wasn't referring to that.

Q. Now I want to ask you a question. You would not vote for any bill for military or naval appropriation unless the Constitution required it, would you? A. Yes and no.

Q. Well, now, just explain that? A. I will. If the Constitution required me to vote for it, I would. As long as the present condition exists in which, in my belief, and I may be wrong, the militia can be used against the people of this country in time of strike, industrial disputes, or used for imperialistic purposes, no; but if the time comes when we in this country have arrived at that stage of democracy, which is my ideal, and we need defense, I will vote for military appropriations.

Q. Now, let me see if I can analyze that. The militia can be used now, can't it, in cases of strikes, to suppress them? A. Quite so.

Q. And for that reason you would not vote for any appropriation for a National Guard today? A. That is one reason, yes.

Q. But you would not, you say you would not? A. No, I introduced a bill to do away with that.

Q. Hold on a minute.

Mr. Conboy.— To do away with what?

The Witness.— To do away with the militia for such purposes.

Q. But notwithstanding the constitutional provision that the Legislature shall annually make appropriation adequate for the maintenance of ten thousand militia, you would not vote for it, is that what you mean? A. I did not get it. Will you repeat the question, please?

(The last question was repeated by the reporter).

The Witness.— Oh, notwithstanding the constitutional provisions, even if it weren't there?

Q. No, but it is there? A. Yes.

Q. Would you vote for it? A. If I am compelled to do so.

Q. If you were not compelled to do so. What do you mean by compelled. It is in the constitution that the Legislature shall annually make appropriation to maintain ten thousand militia; now, would you or wouldn't you vote to do it? A. Pardon my ignorance, but this is the first time, since this trial began, that I heard this was our obligation.

Q. That is in the constitution? A. Then I would.

Q. Then you would do it? A. Yes. Why, if I voted on the budget, in voting no against \$90,000,000 of appropriation, I would get up and make a speech. I do not violate my constitutional oath. There is something in here I am duty-bound to vote for, but that you have got it mixed up in so many items —

Q. I have not said anything about that. A. I am stating how I would do it.

Q. I am not putting you in any such position as that at all. Now, Mr. Claessens you would, notwithstanding the provision of the Socialist platform, that you should not vote for any military or naval appropriations, or for war, vote for military appropriations to the extent required by the State Constitution? A. Certainly.

Q. But you would not go an inch beyond that? A. It depends upon the circumstances.

Q. Now, I want — you said to me, the constitution was largely a matter of interpretation? A. I think that is the accepted state of knowledge.

Q. Now, would you require an official interpretation of that provision and of your obligation under it before you would vote?

A. I would like to have it.

Mr. Brown.— Yes, I thought so.

Q. And that would be the limit of what you would vote for for that purpose? A. I say that depends on circumstances. I can't tell what I will do in the future.

Q. Wouldn't you obey your Socialist platform as far as you could? A. The Socialist platform is not a rigid and fixed thing. When we can conceive of a time when armed forces are to be organized and established specifically for the purpose of defense, I have the utmost faith and trust in my Socialist comrades to permit me to vote for that.

Q. You mean when the social revolution has taken place and the change of government that you are seeking? A. It might be two weeks before that.

Q. That you would be in favor of a militia? A. No, if I can get that condition here, and I believe we can get it before we will have Socialism, get it to a more ideal state, that we used to hold as an unarmed nation, where we will retain an army for no other purpose but for our immediate protection, when that is clearly proven to me I will support such force.

Q. What do you mean, "for our protection"; do you mean domestic enemies? A. Put it that way, and for the other, of invasion.

Q. You refer to invasion, don't you? A. Yes.

Q. You don't refer to domestic enemies? A. Domestic enemies? I can see the necessity for troops in such outrages as these great race riots.

Q. Not in strikes? A. If the troops, and I know of an instance where the federal troops were used in Colorado, are used in a neutral and impartial way, yes, even in time of strikes, but unfortunately, that is not the case in most strikes. The troops are used to protect private interests.

Q. Do you mean to say, Mr. Claessens, that you do not feel bound by your platform not to vote for any military or naval appropriation or for war? A. For war — as we understand this last war?

Q. I mean what your platform says; your constitution. A. That constitution isn't a dogmatic piece of work.

Q. You don't accept it in that particular? A. No.

Q. You do not? A. It is a matter of interpretation.

Q. What is your interpretation? A. My interpretation is that we have defined here again and again as our attitude towards war, as war is commonly understood. However, I can conceive of a state of warfare that we Socialists would support? I have no doubt about it.

Q. Then you do not follow your platform in that respect? A. I do.

Q. Oh, you do? A. Yes.

Q. But is it your own interpretation of it or somebody else's? A. I don't dare speak for others, but I think that is the interpretation of most of the leading Socialists.

Q. You don't mean that the militia can be used now to suppress strikes, do you; you mean that it can be used to suppress disorder during strikes? A. But they very often connect an ordinary strike with the addition of disorder.

Q. Where did you ever know of militia being used to suppress a strike? A. Oh, I have in mind the Brooklyn trolley strike of many years ago. I have in mind —

Q. You have in mind what? A. The strike in Brooklyn some fifteen or twenty years ago, which was notoriously used as an example by the labor forces. I have in mind, particularly, the last great strike in Buffalo.

Q. What strike was that? A. The street car strike, and there are numerous instances throughout the country, although I want to be fair and say that I know of a strike where the National troops came in to preserve peace and where the State troops were responsible for the rioting. I refer to Ludlow, Colorado. I was there and got the facts, and the Socialist press accepted that as a fact. I wouldn't say all of the time.

Q. You endorse the Constitution of the Socialist Party, don't you? A. I do.

Q. In its entirety? A. Yes.

Q. And you haven't any exception to make to any provision in it? A. No.

Q. And you endorse the Socialist constitution of the State of New York? A. I do.

Q. You haven't any reservation to make in relation to it? A. No.

Q. And you endorse the regulations of the Socialist Party in the City of New York? A. I do.

Q. And you haven't any reservation to make in relation to any provision in it? A. No.

Q. Now, this talk that we have been having here in relation to the provisions for war and for the army and navy is a question of interpretation of the constitution and of its application? A. Yes, sir.

By Mr. Conboy:

Q. You have spoken about a judge down in New York sitting upon the Supreme Court bench who was there by fraudulent means; do you remember that, Mr. Claessens? A. Yes.

Q. And you referred particularly in that connection to the election contest between Judge Delehanty and Judge McIntyre? A. Yes.

Q. And the impression that you want to create by your testimony is that Judge McIntyre is sitting on the bench by fraud? A. That is the general knowledge down there.

Q. That is the general knowledge down there? A. Yes.

Q. And fraud by whom, fraud of a judge sitting on the bench? A. No, that the seat don't belong to him.

Q. You know that there was a trial in that case, don't you? A. I do.

Q. And that there was a trial before a jury of twelve men? A. Yes.

Q. And that the result of that trial was the awarding of the seat to Judge McIntyre, is that right? A. Yes.

Q. By a verdict, and despite that fact you say the result of that election was a fraud, do you? A. I am stating what is the general impression, what I have read and what I have heard. I understand Mr. Delehanty wouldn't concede to that nor the party that supports him.

Q. Do you understand that Judge Delehanty, after a trial before a judge and jury and the rendition of the verdict in favor of Judge McIntyre, subsequently denounced the entire trial as a fraud; is that what you want us to understand? A. No, I say that is a conception. I cannot swear to the details.

By Mr. Hillquit:

Q. Then, Mr. Claessens, do you know or don't you know whether in the McIntyre-Delehanty contest it was admitted that the votes counted upon that contest showed a plurality for Delehanty, and that McIntyre was seated on other grounds? A. I have a recollection.

Q. You have only a general recollection? A. Yes.

Q. You said you endorsed the constitution of the Socialist

Party of the United States, of the State of New York, the regulations of the City and so on? A. Yes.

Q. By that you mean as you understand these instruments, that's it? A. That's correct.

Mr. Sutherland. — Mr. Chairman, I want to have marked in evidence, not to print, but to get into the case for use in summing up, transcript of record, United States Circuit Court of Appeals, Kate Richards O'Hare, plaintiff in error, against the United States of America.

(Booklet marked Exhibit 112 of this date.)

Mr. Hillquit. — May I make the announcement that as far as the defense is concerned, we have concluded.

Mr. Stedman. — We have some written evidence that we want to read but that can be offered tonight.

JAMES ONEAL, called and sworn as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Conboy:

Q. Mr. Oneal, you went over to Europe in the early part of last year? A. Yes, to England.

Q. To England? A. Yes.

Q. And you were sent over by the Socialist Party? A. Yes, sir.

Q. You returned to this country when? A. I returned to this country about the last of April, 1919.

Q. And at that time you prepared a report which was subsequently submitted to the National Executive Committee of the Socialist Party? A. I did.

Q. And you have brought here with you a mimeographed report. Please mark it for identification.

(The paper was marked Exhibit No. 113 for Identification of this date.)

By Mr. Conboy:

Q. Now, did you go to Europe subsequently to that year? A. I did not.

Q. That was the only time? A. That was the only time.

Q. Did you attend the Berne conference? A. I did not.

Q. Is this the only report you have made on Socialist conditions in Europe since your return from Europe in the early part of the year 1919? A. This is the only report I have made to the Socialist party. I wrote a series of 14 articles for the New

York Call, mainly on conditions prevailing in England. I do not think there is any reference outside of England. There may be a few but this is the only report that was made with reference to my tour. In reporting to the New York Call I reported as a newspaper correspondent.

Q. Yes. The Moscow Congress that is referred to in this report is one that was held in the early part of the year, 1919? Is not that true? A. In March, 1919.

Q. In March, 1919? A. Yes.

Q. Now, I offer this in evidence.

Mr. Hillquit.— No objection.

(The paper was received and marked Exhibit No. 113, in evidence of this date.)

Mr. Conboy.— May we take it?

Mr. Hillquit.— Yes, but I want to have it before we reconvene, or if we can have copies, have it printed.

Mr. Conboy.— See that it is printed in the record.

(Exhibit No. 113 will be found in the printed record at the end of this day's proceedings.)

Mr. Conboy.— Is Mr. Trachtenberg here?

Mr. Hillquit.— What did you subpoena him for?

Mr. Conboy.— To produce the Zimmerwald program, the Kienthal Manifesto, the official proceedings of the April, 1917, convention at Missouri, and I think there was one other thing mentioned which has escaped my mind at the present moment.

Mr. Hillquit.— He is not here.

(Discussion off the record.)

The Chairman.— We will start in at half past ten on Wednesday, and close the evidence up Wednesday noon or the adjourned hour; then the Assemblymen's counsel can start in their closing arguments. They will be followed by answering arguments by the Committee's counsel. Then another Assemblymen's counsel can have a closing argument and that will be followed by the other side, two on a side, and file the briefs three or four days after the entire arguments are in.

We will adjourn until Wednesday at 10:30 A. M.

(Whereupon, at 6:45 P. M., on Friday, February 27th, the Committee recessed until Wednesday morning, March 3rd, 1920, at 10:30 o'clock.)

EXHIBIT No. 113.

For Identification in Evidence February 27, 1920.

NATIONAL OFFICE, SOCIALIST PARTY.

220 S. Ashland Blvd., Chicago.

JUNE 20, 1919.

To the NATIONAL EXECUTIVE COMMITTEE:

DEAR COMRADES.—I am herewith enclosing a report submitted by Comrade Oneal as delegate to Europe:

“BROOKLYN, *May 7, 1919.*

“DEAR COMRADE GERMER.—I am enclosing the story of my experience on arrival in England which appeared in *The Call*. Owing to police espionage I had to be very careful and I decided to wait until I returned before I wrote you or made any reports.

“I did not go to any other country for a number of reasons. First, the situation is still so unsettled in the other countries that in my judgment it will probably be a year before we can make any definite alliance with comrades abroad. The Italian comrades have refused to attend the Berne Conference and when I was in London, news came that the Italian party had also definitely withdrawn from the International Bureau. The Swiss comrades also refused to attend and I learned that there is no likelihood of them affiliating with the Berne crowd.

“The British Socialist Party, which corresponds to the Socialist Party in this country, had intended to send delegates though not satisfied with all the elements that would attend at Berne. In the meantime the Labor Party claimed a monopoly of choosing all delegates representing Great Britain. The I. L. P. and the B. S. P. protested, and the latter announced its intention of ignoring the decision of the Labor Party, but could not elect its delegates in time. But as soon as the decisions of the Berne Conference became known, the B. S. P. comrades, if the members of the executive are to be relied upon, and I think they speak for the membership—decided that they would not care to affiliate with the Berne organization.

"In France the situation has not changed and owing to this fact I questioned the advisability of going to Paris. Some of the French delegates formed a healthy 'left' in the Berne Conference and the tendency is in that direction in the French movement. Now that the war hysteria is passing the chauvinists in the French movement are losing what standing they had and the whole movement will eventually plant itself on a sound international basis. May day events will undoubtedly hasten this result.

"I could have stayed another week and attended a meeting of the Commission of the Berne Conference which was called to meet in Holland on April 24th. I could have claimed a seat in the Commission, but in doing so I would have been morally bound to pay \$100 dues to the old International Bureau. I would not take that responsibility as it was in conflict with my judgment. The next best thing was to write a statement of what had occurred in the United States, the activity of the social patriots who had left the party, how the party had been persecuted, the complete collapse of A. F. of L. officialdom to imperialism and autocracy, and the position of the party regarding the League of Nations, war and internationalism. This I did and I gave copies to J. Ramsay MacDonald of the I. L. P. and to Comrade Inkpin, secretary of the B. S. P. MacDonald attended the meeting of the Commission, and no doubt brought this statement to the attention of the members, and they know what the attitude of the American party is. Whether it will help in eliminating the chauvinist elements of the Berne organization I do not know, but it is certain they will gather no comfort from it. I regret that I did not make another copy of this statement to send on to you, but it will probably appear in The Call, the organ of the B. S. P., as Inkpin promised it would, and if I can get a copy of it I will send it on to you.

"There is the further fact that the Scheidemann patriots were accepted at Berne, a fact, of course, which we knew before I left this country. They correspond to the social patriots in the Allied countries and there is little difference between them except that they represent the bourgeois classes of their respective countries and are in conflict with each other.

"A large part of Central and Eastern Europe is still in a state of turmoil and it will be many months and possibly a year or two before any definitely established party group will be

formed that will have time to consider the founding of a new International.

“While in London I secured some information regarding the Communist Congress held in Moscow. It had to be called in an atmosphere of secrecy if delegates in other countries were to attend and a number of delegates were arrested while on their way to the Congress. Despite opposition 32 delegates were present representing the following 14 countries: Germany, Russia, Hungary, Sweden, Norway, Switzerland, America, Bulgaria, Roumania, Poland, Finland, Ukraine, Esthonia and Armenia. The Berne Conference had 100 delegates representing 25 countries but the delegates did not have the same difficulties to face that the Moscow delegates did.

“Fifteen other organizations were represented at Moscow with a voice but no vote. These included representatives of Czech, South Slav (Jugo-Slav), British and French Communist groups, Dutch Social Democratic Party, Socialist Propaganda League of the United States, Swiss Communist group and similar groups in Turkestan, Turkey, Georgia, Persia, Chian and Korea. These representatives were probably comrades who were marooned in Russia and were accepted as fraternal delegates but unable to speak authoritatively for their organizations.

“An article in the central organ of the Soviets ‘Isvestiya’ refers coolly to the commission elected by the Berne Conference to go to Russia and investigate the Soviet regime. An extract from it undoubtedly reflects the view of the Moscow Congress. I quote:

““The establishment of the Communist International, which places itself in opposition to the International of opportunists and Social traitors, has now confronted all the hesitating elements in the Socialist movement who have not yet sold their principles to the imperialist bourgeoisie with the option either of joining the advance guard of the proletariat in its fight for the Social Revolution, or of going over to the league of capitalists struggling for social reaction. There is no longer a third way. The Social Revolution is knocking at the door of the old world. With the establishment of the Third International the Proletariat has reached the very gates of the Socialist era and will know how to open them, in spite of all

the obstacles which have been accumulated in its way by the will of the ruling classes and the treachery of its former leaders.'

"The Moscow Congress resolved to take over the work of the Zimmerwald and Kienthal groups after a report by Balabanoff, Secretary of the Zimmerwald International Socialist Committee, in which he was joined by Lenin, Trotzky, Zinovieff, Rakowsky and Platten as members of the Zimmerwald Association.

"On the matter of organization I quote the following decision of the Moscow Congress:

" 'In order to expedite the commencement of the activity of the new International the Congress at once elects the necessary organs with the provision that the final constitution of the Communist International will be submitted by the Bureau to the next Congress. The direction of the Communist International is entrusted to an Executive Committee consisting of one representative from the Communist Parties of the more important countries. The parties in Russia, Germany, German-Austria, Hungary, the Balkan Federation, Switzerland and Sweden are to send their delegates to the first Executive Committee without delay. Parties from other countries, which will have declared their adhesion to the Communist International, before the second Congress, will also receive a seat on the Executive Committee. Pending the arrival of delegates from abroad, the comrades of the country in which the Executive Committee has its seat will undertake their work. The Executive Committee elects a Bureau of five members.'

"So far as I know there was unity at the Moscow Congress, which was quite in contrast with the Berne Conference. There is little doubt that in selecting the name 'Communist' the Moscow Congress did so for the same reason that the Marxists did in 1847, that is, to distinguish themselves from the many sects and groups going under the name of Socialist. The world war has resulted in the same confusion regarding the use of the word that was apparent in the days when various utopian sects of divergent views called themselves Socialist. The Moscow Congress certainly have in mind the ideals of Socialism, not the con-

cept of communism of wealth which has characterized many religious sects. Its membership is made up of all the elements of the Socialist movement that oppose war and militarism, relies upon the class struggle to chart the course of the movement and keeps in mind the fact that the real struggle in the modern world is one between the workers of all countries as against the ruling classes of all countries.

"In conclusion will state that I could have gone to other countries and probably have acquired more information, but learning what I did in London, I felt I could not justify the expenditure of a few more hundred dollars for what additional information I might have secured. There was the additional consideration that if I stayed longer I had no assurance of getting passage back before June and perhaps later. I would have therefore piled up a large expense which would have hardly been compensated by any additional information I might have secured.

"My impression is that as the work of the Paris peace conference becomes better known, the dispelling of illusions that the diplomats might be persuaded to make a 'people's peace,' illusions, strange to say, many who called themselves Socialists apparently believed, the drift away from the Berne Conference will become pronounced and this survival of the old International will disappear. There were some revolutionary elements at the Berne Conference who hoped that they could swing it to adopt declarations that would be a challenge to the Paris diplomats. A statement made at the Berne Conference by Lorient of France, for example, was read at the Moscow Congress and was heartily cheered. I was unable to get the text of this statement, but it is evident that there were delegates at Berne, though in the minority, who would be acceptable to Moscow. The Irish delegation was also of the same type.

"Then there are elements like the I. L. P. of Great Britain who from the beginning of the war maintained a critical attitude toward their own governments and suffered persecution for it. Their offices were raided, their literature confiscated and many of their members served terms of imprisonment. They have occupied a center position, but they will inevitably be driven to a course that will bring them to hearty support of a genuine International pledged to International solidarity of the workers and

against imperialist wars. Their fault has been hesitation to draw logical conclusions from facts which they repeatedly brought to the attention of their own membership and the workers in general. Events are dispelling their illusions as they admitted to me when I talked with them.

“The International was the work of years and it will require time to rebuild it on a sound foundation. The process of getting together is now under way and will proceed more rapidly as the wounds of the war are healed. Whether the party desires to take any immediate action regarding the International upon the basis of our knowledge is for the party itself to determine.

“(Signed) JAMES ONEAL.”

STATE OF NEW YORK — ASSEMBLY CHAMBER

In the Matter of the Investigation by the Assembly of the State of New York as to the Qualifications of Louis Waldman, August Claessens, Samuel A. deWitt, Samuel Orr and Charles Solomon to Retain Their Seats in Said Body.

THE CAPITOL,

ALBANY, N. Y., *March 3, 1920.*

Present:

Hon. Louis M. Martin,
 Hon. George H. Rowe,
 Hon. James M. Lown,
 Hon. Edmund B. Jenks,
 Hon. Edward A. Everett,
 Hon. William W. Pellet,
 Hon. Edward J. Wilson,
 Hon. Charles M. Harrington,
 Hon. Harold E. Blodgett,
 Hon. Theodore Stitt,
 Hon. Louis A. Cuvillier,
 Hon. Maurice Bloch,
 Hon. William S. Evans.

Appearances:

For the Judiciary Committee:
 Charles D. Newton,
 John B. Stanchfield,
 Arthur E. Sutherland,
 Elon R. Brown,
 Martin Conboy,
 Samuel A. Berger,
 Archibald E. Stevenson,
 Henry F. Wolf.

For the Socialists:

Morris Hillquit,
 Seymour Stedman,
 S. John Block,
 Gilbert E. Roe,
 William S. Karlin,
 Walter Nelles.

LOUIS M. MARTIN, Chairman.

(The Committee met pursuant to adjournment at 10:55 A. M.)

Mr. Conboy.—Mr. Chairman, since the adjournment on last Friday we served a subpoena duces tecum upon the Secretary of the New York Local to produce Referendums B and D and the report of the Executive Committee of the Socialist party of America with respect to such referendum.

Referendums B and D were submitted to the membership of the Socialist party during the year 1919 and prior to the convening of the Emergency Convention at Chicago in September of that year.

The Executive Committee appointed a special committee to investigate election frauds in the party itself, and apparently to make a report upon these two referendums, B and D. The report was made prior to the convention, under date of August 30, 1919. The only reference in the report itself to Referendums B and D is that Referendum B was carried by a vote of 18,517 ayes and 3,517 noes; and Referendum D was carried by a vote of 11,105 ayes and 1,486 noes. The committee's report is published in full, so far as it relates to the investigation of the election frauds, which is referred to Referendum C, in The Bulletin, which has already been referred to in these proceedings and was marked Exhibit No. 34 for identification; and in a preliminary statement at the top of the page on which the report with respect to election frauds is contained, it is stated that the committee also reported on Referendums B and D; but the Bulletin does not contain either the report upon Referendums B and D or the terms of those referendums. Referendum D is referred to in the minority report, adopted by the referendum vote of the members of the

party subsequent to the September, 1919, Convention, and in its context unquestionably has to do with the attitude of the party toward the Third, or Moscow, Internationale. In order that the Committee might have before it a complete record, so far as it was possible to obtain it, of the attitude of the party and its expressions with respect to the Third, or Moscow, Internationale, we call for the production of Referendum D and of the report of the Executive Committee upon it.

I am informed by Mr. Hillquit and Mr. Gerber that a search has been made for Referendums B and D, and the reports of the Executive Committee thereon, but that it has been impossible for them to locate either of these referenda or report itself; and Mr. Hillquit is prepared to make a concise statement as to what, according to his recollection, the referenda referred to. We are prepared to accept that, pending the production of the report of the Executive Committee upon that referendum, and the full text of the referendum themselves, if these documents are procurable.

Mr. Hillquit.—Mr. Chairman, the subpoena in question did not enable, and does not enable, Mr. Gerber to produce the documents referred to, because it is so indefinitely and vaguely worded that it is quite impossible to gather just what the meaning or intention was.

The subpoena calls for the production of the report of the National Executive Committee, without stating which particular report. As to Referendums B and D,—Referendum D—again of emergency convention adopted 1919 by the Socialist party of America. Now, we will gladly waive all technicalities, and produce any and all instruments and documents in our possession, if we know just what is meant. It must be borne in mind, however, that if by Referendums B and D is meant the questions submitted to the membership in these letters, and the return of the votes, that all this is in the custody of the National Secretary of the Executive Committee, and not in the possession of the secretary of New York county.

To the best of my recollection, fortified by the recollection of others in the Socialist party, in a position more or less to know, whom I have consulted, the two referenda and general votes referred to are as follows:

Referendum B was a resolution submitted to the membership for the calling of a special or emergency national convention of the Socialist party.

That was carried and the convention of August and September was the result.

Referendum D, and again I give my best impression, was a resolution offered to the membership to the effect that the Socialist party of the United States shall not take part in any international Socialist congress from which the Socialists or Communists of Russia are excluded. The occasion for it, as I recall it, was that the Socialist party had elected a delegate, James Oneal, to the Berne Conference or Conference of the Second Internationale, which has excluded the Russian Socialists or Communists or at least at which those Socialists had not attended, and it was the desire and intent of this resolution to have the Socialist party sever its relations with the Second Internationale so long as the Socialists of Russia would not constitute part of it. That likewise was carried by a majority of the votes of the members of the Socialist party. It has subsequently been superseded by the minority report in Referendum F in evidence here.

Mr. Conboy.— I offer in evidence the article in the New York Call dated Tuesday, October 28, 1919, under the general caption "Independents of Germany Back Stand of U. S. Socialists."

Mr. Hillquit.— There will be no objection to the introduction of this article except insofar as it purports to quote myself. I shall ask for the privilege of explaining briefly the meaning of it.

Mr. Conboy.— That is a proper request to make. No objection to it.

Mr. Sutherland.— Is it not agreed, Mr. Hillquit, that if you can procure from the general secretary at Chicago copies of Referenda B and D and of the report of the Committee thereon they may be handed to the Judiciary Committee as exhibits in the case at any time before the Committee makes a report?

(The paper was received in evidence and marked Exhibit No. 113.)

Mr. Hillquit.— Yes, judge, with this additional reservation, of course; that in conjunction with it we reserve, likewise, the right of submitting in the form of affidavits anything the instrument may call for.

Mr. Sutherland.— Then you will try to get those, Mr. Hillquit?

Mr. Hillquit.— Yes.

Mr. Conboy (reading):

“Independents of Germany back stand of U. S. Socialists. Letter signed by Haase, Crispian and Stoerker indorses move for new International. Opposing majority. Ask whether American party will support efforts for convocation of Conference.

“In communications just received here the Independent Socialists of Germany express their satisfaction with the action taken by the recent emergency convention of the Socialist party of America on the formation of a new International, and state that the Independents are making an earnest effort to bring about an understanding between all the radical Socialist organizations of Eastern, Southern and Northern Europe, and the Russian Comrades. They also invite the American Socialists to send representatives to the Congress of the Independents at Leipsig next month. Letter sent to Hillquit. The letter, dated September 27th, and signed by Haase, Crispian and Stoerker of the Central Committee of the Independent Social Democratic Party of Germany, was sent to Morris Hillquit, who was International Secretary for America of the International Socialist Bureau for transmission to the National Executive Committee of the Socialist party of America.

“In commenting upon the letter, Hillquit said last night: ‘The interesting thing about it is that the Independents take a position very much like that of the Socialist party of the United States. With this letter they also send a copy of the program adopted by them at their last convention. They place themselves in this platform squarely with the radical Revolutionary Wing of the International Socialist movement, and in very clear opposition to the Majority Socialists of Germany.

““They advocate the establishment of Workers’ Councils, or Soviets, as permanent institutions and as part of the governmental machinery of Germany. They advocate the immediate socialization of the most important industries and oppose co-operation with bourgeois elements in the Government. Reorganization is needed. Their position on the Socialist International is very similar to that of the Socialist

party of America in that they, too, seek to exclude the so-called Social-Patriotic elements of the Socialist movement in all countries, and to include the Bolshevik Socialists, of Russia. The fact that the Independent decided upon such a reorganization of the International at about the same time as our party, and quite independent of it, indicates that the need of such a reorganization is beginning to be felt all through the movement.

“I also have a cablegram from the Independent Social Democratic Party of Germany, received yesterday,” said Hillquit, ‘inviting the American Socialist Party to send representatives to the coming Congress of the Independent Socialists of Germany, to be held at Leipsig, November 16th to 22d.’

“Got only Press Dispatch. The letter from the Independents follows:

“To Morris Hillquit, for transmission to the National Executive Committee of the Socialist party of America.

“Dear Comrade: As much as we regretted that no representative of your party has been here since the end of the war, we now welcome most enthusiastically the step which you have undertaken for the re-establishment’—and in carrying the story from the first to the third page, apparently a line was omitted, because the first line on the third page begins with ‘tional,’ apparently a part of the word International.

“Unfortunately, your action has reached us only in the form of a brief press dispatch.

“We send you our revolutionary program and some material on our attitude toward the International. The latter will be formally defined at the convention of our party, which is to be held shortly.

“The governing body of our party at its last session has directed us to make an earnest effort to bring about the co-operation of all truly revolutionary social parties, such as the radical socialist organizations of Switzerland, Italy, Austria, France and England, and more particularly the Socialists of the Scandinavian countries and of the Balkans, in order to bring about a joint explanation with the Russian comrades. By these means it will undoubtedly be possible to remove many misunderstandings and difficulties which at present seem to be insurmountable.”

“ ‘ We shall welcome it most profoundly if your party will support this understanding of ours and further it with all your might, for we must succeed in establishing a true revolutionary International of Socialism. We shall be very grateful to you if you will communicate to us your views on the subject at an early date, and particularly if you will inform us whether you will support efforts looking toward the convocation of a conference for the above-mentioned purposes.

“ ‘ With fraternal greetings,

“ ‘ The Central Committee of the Independent Social Democratic Party of Germany,

“ ‘ HAASE,

“ ‘ CRISPIEN,

“ ‘ STOERKER.’ ”

Mr. Hillquit.— A few brief words in explanation of the article, and my statement in connection with it. The Independent Social Democratic Party of Germany here referred to is that Social Party of Germany which, shortly after the war, began opposing its government in the prosecution of the war, and voting against the war budget. It was that party which, starting with one solitary vote in opposition of Carl Liebknecht, finally reached a voting strength of almost forty in the Reichstag or Parliament of Germany against war and against war credit. It is that party also which, after the war, has refused to make any compromise with the nobility and the junker class of Germany, but has insisted upon a purely Socialist working class government.

It is that party also which has most strenuously objected to the policy of Minister of War Noske, and similar measures of the German government. To make this position perfectly clear it should be remembered that the Socialist movement in Germany was divided into three parts on account of the war and immediately after the war. Those three were: First, the so-called Social patriots or conservative socialists led by Scheideman and Ebert, who is the present President of the German Republic, and other persons of the same type. It consists of the men who, during the war, supported their government and its war policies in all respects. That is the conservative or so-called majority party of Socialists in Germany.

On the other extreme there were the Sparticides, possibly the

smaller groups of the German Socialists, as well as the most extreme or radical group. Between the two stood, and stand, the Independent Social Democratic party of Germany. That is, as I said before, those Socialists who, during the latter part of the war were opposed to their government in the war and voted against the government, and who, today, take what we consider the true, proper social attitude, neither compromising with the junker class of Germany, nor going to the extremes of the Sparticides. With that party in Germany, the Independent Social Democratic party, the Socialist party of the United States is most closely allied spiritually. The Independent Social Democratic party in Germany also represents what it itself styles the radical revolutionary wing of the Socialist movement, of which in every other country there are corresponding Socialist parties, which in fact may be said today to represent the vast majority of the Socialists in all countries of the world.

That is the position I have above described opposing compromises with the ruling classes and also opposing the so-called patriots of the type for instance of Scheideman in Germany and Albert Thomas in France. The conference or convention which the Independent Social Democratic party of Germany held and to which the Socialists of the United States were invited adopted a resolution with reference to the Internationale which was very similar to our majority resolution; not quite to the minority resolution, and when I comment upon a similarity of the two it was on the assumption that the majority resolution of the Socialist party was the resolution adopted. Subsequently as you know the minority resolution was adopted which, however, I do not consider to vary much in substance. The object of the German Independent Socialists to bring about what they called joint explanation with the Russian comrades was precisely the object which the Socialists of the United States had in view in passing their resolution. They said here are the Russian Socialists by themselves and here are other parties and a number of them all through the world in thorough sympathy with them but not in accord with them on all details, practical as well as theoretical. Now then, instead of either swallowing Bolshevism whole or rejecting it whole, why not get together and thresh out the differences and try to establish a common basis of action upon an acceptable program. The further reference to workers, councils and Soviets is a historic reference. When the constitu-

ent Assembly of Germany convened, a demand was made from all parts of the country to recognize an economic or industrial government alongside with the political government and to incorporate it in the Constitution of Germany. This economic government was called the council of workers, and, as the word "Soviet" was then and is still so popular, that word was applied. That has been done. The Constitution of the German Republic today contains a provision for the institution of economic workers' councils which are given certain rights in the administration of the affairs of Germany more or less co-equal in this field with the political government, and it was that feature particularly to which we referred. I may add that the men who signed this letter, Haase, Crispian and Stoerker, have been those who above all other public men in Germany have urged a democratic negotiated peace without indemnities, and free determination of the peoples above any other public representatives of Germany; that they have been consistently opposed to the military government, to the nobility of Kaiserdom and the governing classes in the country through the war and after the war, and it is for that reason particularly that our sympathies went out largely to this part of the Socialist movement.

Mr. Sutherland.— The statement made by Mr. Hillquit shows very clearly the desirability of having before this Committee the true referendums, B and D, and the report of the Executive Committee to the September, 1919, Convention. Now, if a telegram were sent to the general office at Chicago they must have those documents there and they could be here before we conclude our discussion. I hope that the Chair will join us in the request that those documents be sent on here.

Mr. Hillquit.— It does not take the request of the Chair. We have made that promise and it is perfectly sufficient.

The Chairman.— I think that is all you can do about it.

Mr. Sutherland.— The Bulletin marked Exhibit 34 for identification I think should be in evidence, Mr. Chairman. We don't ask to have it printed in full but it may be referred to perhaps and should be before the Committee.

The Chairman.— It can be marked as Exhibit 34.

(The paper was marked Exhibit 34 in evidence this day, March 3, 1920).

Mr. Stedman.—I wish to offer in evidence the vote of the various Assembly districts from which the members who are being investigated here were elected. The Bronx Third Assembly District, Robert S. Mullin, 4,163; William Watchtell, 3,984; Samuel A. deWitt, 5,802.

The Chairman.—It doesn't show what parties they are from.

Mr. Stedman.—No, it does not. Mullin was a Democrat; Watchtell, Republican, and deWitt, Socialist.

Bronx Fourth Assembly District, M. Baldwin Furtig, Democrat, 4,509; George B. Low, Republican, 2,915; Samuel Orr, 6,455, Socialist; Alma M. Ford, 60, Prohibitionist.

Kings Twenty-third Assembly District, Walter R. Hart, Democrat, 2,799; Joseph F. Ricca, Republican, 3,128; Charles Solomon, 4,974, Socialist.

New York Eighth Assembly District, Herman Weiss, Fusion, Republican and Democrat, 5,010; Louis Waldman, Socialist, 5,120.

New York Seventeenth Assembly District, Joseph N. Schultz, Democrat and Republican Fusion candidate, 6,041; August Claessens, 6,123, Socialist; August W. Osterburg, 38.

I also wish to offer in evidence proceedings at the time the members were brought before the bar of the Assembly. I don't think it will be necessary perhaps to read it but it has not been put into the record. That is where Speaker Sweet directs the Sergeant-At-Arms. I just hand that to the printer, Mr. Chairman.

(The paper was received in evidence and marked Assemblymen's Exhibit No. 13 and will be found at the close of the morning's session.)

Mr. Stedman.—I have some excerpts taken from the Army and Navy League Journal publication; statements on the cause of the war, profits derived and from Congressional records. I ask that those be printed.

Mr. Sutherland.—We object to that. It is a long compendium of extracts from speeches from Jefferson's time down. They are documents of no relevancy whatever to this inquiry and whatever there is in this great mass of documents—

Mr. Stedman.—It is about 18 pages.

Mr. Sutherland.—There is so much of it, Mr. Chairman, that it is a burden upon the public to print it and there is nothing

there which counsel could not legitimately refer to in the course of their argument.

Mr. Stedman.— Well, there is. We might not all want to refer to the same passages and wish to refer to others and there is a considerable portion which serves as a nature of precedent for these proceedings in the guide and conduct here. I hope that the expense isn't disturbing you, fifteen pages of typewriting, when they order wholesale clippings from newspapers of ten years ago and before the flood.

Mr. Hillquit.— If there is any doubt in the minds of the Committee on the relevancy, I should like to say a few words on it.

(Discussion off the record.)

The Chairman.— You want this as a document?

Mr. Stedman.— Yes, sir.

The Chairman.— I will admit it. It is to be printed as a separate document.

(The paper referred to was marked Assemblymen's Exhibit No. 14 of this date.)

SEYMOUR STEDMAN, recalled, testified as follows:

Direct-examination by Mr. Hillquit.

Q. You have been sworn, Mr. Stedman? A. I have.

Q. A statement has been read here, I believe from the report of the National Executive Secretary to the effect that about 2,000 Socialists had been convicted under the Espionage Law?

Mr. Sutherland.— Arrested or indicted.

Q. Even so, I will ask you whether you are familiar with the actual facts, the number of Socialists, or members of the Socialist party, indicted under the Espionage Law, and whether the statement that it was about 2,000, was correct? A. No, it is not correct.

Mr. Conboy.— The statement is as follows: This is from page 4 of this bulletin, which was received in evidence this morning, and which has already been marked Exhibit 34 for identification: "Some 2,000 Socialists in all have been arrested because of their opinions, and the era of persecution is by no means ended." This,

you may say, is the official bulletin issued September 15, 1919, by the national office of the Socialist party.

Mr. Hillquit.— We recognize that, Mr. Conboy. Now, it is somewhat different than what my impression was. It says 2,000 Socialists were arrested for their opinion. It does not, as I understand it, Mr. Conboy, refer to the Espionage Law particularly.

Mr. Conboy.— It only does in the context. It first takes up those who have been indicted and convicted, including Mr. Debs, Mr. Berger and various members of the Executive Committee, National Secretary, the President of the Young People's Social League, and the various others who were individually referred to there; and then it goes on to say, and the context might justify the impression, that they had been arrested for a violation of the Espionage Act. That some 2,000 Socialists in all have been arrested because of the expression of their opinions.

Q. Then, to clear it up, Mr. Stedman, I will ask you whether you know how many Socialists, members of the Socialist party, definitely or approximately, have been arrested, charged with offenses under the Espionage Act? A. No, I do not think any one does, that is, in numbers arrested. There was probably ten or twenty thousand people, or fifteen thousand people, arrested in the two years. The percentage of Socialists would be hard to estimate. Our report would come from those who were held for the Grand Jury, or who were indicted. Those who were indicted and convicted would not exceed 27.

Q. Twenty-seven individual Socialists? A. Yes, sir, members of the Socialist party. I should add to that that in that 26 that I am stating, there are nine pending on appeal. The Kienthal case was referred to a few days ago; and I referred to the Berger case on appeal, the Steen case, from Utica pending on appeal, and the case of Rose Pastor Stokes, pending on appeal.

Mr. Block.— And the Pierson case.

The Witness.— The Pierson case.

Q. Can you give us the approximate number of Socialists who were indicted under the Espionage Law and have either been convicted, or whose cases are still pending? A. Do you mean convicted, as finally sentenced, and not on appeal?

Q. No, either way? A. Those who have been convicted by a jury and who have been sentenced will be about 23 or 24.

Q. And do you know whether there are— A. Those pending, untried, I think would amount to five or six more.

Q. So that altogether you would say that the number of Socialists indicted under the Espionage Law, convicted, or whose cases are pending, does not exceed 30, is that correct? A. Correct. In other words, take all the cases reported by General Palmer, the Socialists convicted would be a smaller percentage relative to the Socialists' vote against the Republican and Democratic votes.

Cross-examination by Mr. Conboy.

Q. Mr. Stedman, I understand it is conceded that this is the official bulletin of the Socialist Party of America, Exhibit 34, isn't it? A. It is.

Q. And that statement with respect to which you have been interrogated is contained in the report of the National Executive Committee? A. Yes, sir.

Q. Of the party? A. Yes, sir.

Q. On page 4 of Exhibit 34, the bulletin that I have referred to, that is true, isn't it? A. Yes, sir. My statements are based upon the report of the Attorney-General for the United States, and the cases that I know are included in those numbers. For instance, there were 99 I. W. W.'s who were convicted in one batch who were included in his report of 300. Only one of the entire number was a Socialist that I know of.

Mr. Hillquit.— Is that all, Gentlemen?

Mr. Conboy.— That is all.

Mr. Hillquit.— That is all in every other way.

The Chairman.— Testimony closed.

Mr. Hillquit.— Mr. Chairman?

The Chairman.— Proceed.

Mr. Hillquit.— Before beginning my argument, I wish to thank you, Mr. Chairman, and the other members of the Committee, for the great amount of patience and forbearance which you have shown throughout this proceeding. I also wish, at this point, to express my appreciation to counsel on the other side for their conduct which, on the whole, has been courteous, professional, 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 the promise of the Chair to allow a great latitude to both sides in the introduction of evidence, we have had an extraordinary wide range of testimony on all subjects, 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, and 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 upon such issues, together with the view of counsel for the respective sides, as to the purpose 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 on 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 of this proceeding, 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 Board 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, therefore, 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, and they upheld 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 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;

“Wherefore, 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 you have been appointed, 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 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 that 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 illusions of such nature in 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 provisions which have been mentioned here was 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 of charges or 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.

And another provision which also has been referred to in the course of this proceeding was 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 thirty minutes, or two hours—I am corrected—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 Law 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. This is the one I have read before. That is one very important inference we must draw from the reading of the resolution.

Then 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 not limited in any way in the scope of your inquiry by any provisions of that resolution? I hold it does not. What I maintain, Mr. Chairman, is that the numerous recitals in the resolution in form charging these Assemblymen 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 International now being held at Moscow, Russia, which International 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 facts, passed upon them, and rendered judgment as herein 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 analagous to the form of the indictment in which the defendant is charged in positive and concrete terms with the commission of certain offenses, but it 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, in the form of findings, 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 final enacting clause, is an indictment, a charge. 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 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 is as to question of fact, 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 and 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 do or do not 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 contains 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 principles and whose doctrines, as advocated today, call for a 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 by the mass. 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.

But, 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 here in name, 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 the 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 procuring of their election, nomination, by false pretenses, is likewise an entirely new supplemental charge.

Then, further, 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 a 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 the membership of a political community in the country by its conduct.

In the supplemental charge, it is no more a part. 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 not in the charges, should be disregarded from the beginning to the 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 certainly 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 licking them or 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 new charges against these five men. They 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, I claim specific charges are made against each one of the five Assemblymen, and the learned counsel on the part of the Committee even goes 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 the Espionage 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 said 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 goes so far as to make this 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 their 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 respectfully 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. You know 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 into trial. The District Attorney tries the case upon an indictment of forgery. The judge submits 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 evidence, no doubt, in that connection would show that even with all this latitude, with all this superstructure of various charges, the evidence is not confined to the charges.

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, who I do not charge with wilful malintentions, I say the evidence so absolutely distorts the vision of those who read it as to the subject with which it deals 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 happen. But there is another important point and that is this. The testimony is so one-sided as to absolutely blur your 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. It is a tremendous literature that is there on the subject. 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. You 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. Consequently that paper alone has published about 20,000 different editorials, expressions 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 have been made. The Socialist party in its campaigns, 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 — are at once seized upon by our professional opponents, the anti-Socialist leagues, the National Civic Federations, and they are immortalized; they are printed down, just that one particular paragraph, and they are 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, and learned counsel on the other side, I make bold to state, has 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 or of anyone who ever calls 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 millions, the thousands and hundreds of thousands of other expressions of the Socialist party which are perfectly proper and 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 and 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 parties. I don't care for ordinary politics. I don't care for the ordinary 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, and I am absolutely truthful. In every case, I am painstakingly truthful. What conception will they get on the other side? Why the United States is a country of perpetual war against one another. There is nothing but crimes committed there. It is the most lawless nation existing. Would that be correct? No. Would they have a right to arrive at those conclusions upon a basis of this 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 all through 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, a man sixty years old, 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 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 extravagant statements. Gentlemen, who of you, a 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, perhaps indiscreet, 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. 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 a basis of the decision of the conviction, of the disqualification, of 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 disapproved of it. Then you come and you produce every kind of gossip that you can possibly get. There is a man who ran against one of these men and was beaten by him. Naturally he is somewhat sore and he has certain opinions about his opponent. He is allowed to testify to them. Then there is another man who goes around and heckles speakers and gets answers. He makes no notes. The speeches are oral. Of course he comes here and gives his version of it, and it goes, and finally you 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 hidden mystery. It is a perfectly well-known subject. The libraries are filled with 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; call the professor of any university, non-Socialist, but who knows the subject—Professor Ely, Professor Cummings; but there is a certain man, a professionally anti-Socialist and he knows his Socialism from the various excerpts I have referred to and he talks to 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 authority on geology because he knows all the kitchen gossip of an authority of geology. That is precisely what Collins did. Gentlemen, to all those who know anything about law, that is a joke. In a

serious body of this kind, in a proceeding of this kind, to introduce these Socialist or anti-Socialist 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!

Now then, I say all that testimony has introduced ill-defined, or non-defined charges; and we are now called upon to meet all of them, I suppose, indiscriminately.

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.)

ASSEMBLYMEN'S EXHIBIT 13

(Proceedings in relation to resolution introduced by Mr. Adler denying seats in the Assembly to certain members of the Socialist Party.)

Speaker Sweet.—The Chair directs the Sergeant-at-Arms to present before the bar of the House, Samuel A. deWitt, Samuel Orr, Louis Waldman, Charles Solomon and August Claessens.

Sergeant-at-Arms.—Mr. Speaker, in accordance with your direction, I have presented the gentlemen that you have directed me to present.

Speaker Sweet.—You, who I have summoned before the bar of this House, are seeking seats in this body — you who have been elected on a platform that is absolutely inimical to the best interests of the State of New York and of the United States. That platform is the doctrine of the Socialist party and provides that every person elected thereupon subscribes to the rules and regulations, principles and tactics, of that party. It is not truly a political party, but is a membership organization admitting within its ranks aliens, enemy aliens and minors. The constitution of that party at section 5 thereof provides this, "In all my political actions while a member of the Socialist Party I agree to be guided by the Constitution and platform of that Party," and section 13, subdivision f, of the State Constitution of the Socialist Party provides: "For failing or refusing when elected to 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 and National Constitution." It may be interesting to note that Ludwig C. A. K. Martens, the self-styled Soviet Ambassador, an alien, who entered this country as a German in 1916, became a member of the Socialist Party upon his entry into this country and took part in its deliberations. It is therefore quite evident that you, elected to public office, in spite of your oath of office, are bound to act subject to instructions received from an executive committee which may be made up in whole or in part of aliens or alien enemies owing allegiance to governments or organizations whose interests may be diametrically opposed to the best interests of the United States and of the people of the State of New York. At the time of the entry of this country into the war the National Convention of the Socialist

Party of America at St. Louis, during its sessions from April 7th to April 14th, 1917, adopted resolutions setting forth the stand of the Socialist Party toward the war and urged that the only struggle which would justify its members in taking up arms was the great struggle of the working class to free itself from economic exploitation and political oppression, and in such resolution appeared the following words: "As against the false doctrine of national patriotism we uphold the ideal of international working class solidarity." The manifesto of the Socialist Party in convention assembled adopted a resolution of which the following is a part: "We, the organized Socialists of America declare our solidarity with the revolutionary workers of Russia in support of the government of their soviets, with the radical Socialists of Germany, Austria and Hungary . . . and with those Socialist organizations in England, France, Italy and other countries, who during the war, as after the war, have remained true to the principles of uncompromising international socialism. Long Live the International Socialist Revolution, the only hope of the suffering world," and in order that we may understand what this solidarity means I quote from page 16 of the Manifesto of the Communist International as follows: "Civil War is forced upon the laboring classes by their arch enemies. The working class must answer blow for blow, if it will not renounce its own object and its own future which is at the same time the future of all humanity.

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

It is every citizen's right to his day in court. If this House should adopt a resolution declaring your seat herein vacant, pending a hearing before a tribunal of this House you will be given an opportunity to appear before such tribunal to prove your right to a seat in this legislative body, and upon the result of such hear-

ing and the findings of the Assembly tribunal, your right to participate in the actions of this body will be determined.

Mr. Claessens.— Mr. Speaker, do I understand we have no rights until this body officially decides?

Mr. Speaker.— If the House so decides.

Mr. Waldman.— Mr. Speaker.

Mr. Speaker.— Mr. Waldman.

Mr. Waldman.— According to the rules adopted by this body only a little while ago a member elected to this House can only be unseated when charges are filed against him and the Judiciary Committee reports on the situation and then action taken by this House. Is it not true?

Mr. Speaker.— The Chair rules that the Majority Leader be given an opportunity to present his resolution.

Mr. Adler.— Mr. Speaker.

Mr. Speaker.— The gentleman from Monroe, Mr. Adler.

Mr. Adler.— I offer a privileged resolution and move its adoption.

Mr. Speaker.— The gentleman from Monroe, Mr. Adler, offers a privileged resolution, which the clerk will read.

The Clerk (reading):

By Mr. Adler:

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 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

Whereas, By such adherence and by such declaration made by the said party has indorsed the principles of the Communist International now being held at Moscow, Russia, which International is pledged to the forcible and violent overthrow of all organized governments 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 actions 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 A, 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 aliens or 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 about April 7th, to about April 14th, 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 false doctrine of national patriotism we uphold the ideal 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 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, have 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 the 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. de Witt, Samuel Orr and Charles Solomon, and each of them respectively, to a seat in this Assembly.

Mr. Speaker. — The question is upon the adoption of the resolution.

Mr. Waldman. — May I inquire whether it is not the rule of this House and the precedent of the State Legislature that when charges are filed against any member of this House the duly elected member is permitted to represent his district until the Judiciary Committee renders its decision and renders a report to the Legislature, whereupon the Legislature acts? Has that not been the precedent and is it not the rule?

Mr. Speaker. — In reply, the Constitution provides that the House is the sole judge of the qualifications of its members and it may or may not grant a hearing. It is the purpose in this case that you shall be given a day in court. The question occurs upon the adoption of the resolution.

Mr. Waldman.— Mr. Speaker, on a point of parliamentary inquiry, I want to find out if it is possible to move a reference of this resolution to a different committee other than the one named?

Mr. Speaker.— If the resolution is adopted it carries its own reference. The question is upon the adoption of the resolution. All in favor will say "Aye," all opposed will signify by saying "No." The clerk will call the roll.

(The clerk proceeded to call the roll.)

Mr. Evans (interrupting roll call).— I ask to be excused from voting and briefly state my reasons.

Mr. Speaker.— Not on a resolution. How does the gentleman vote?

Mr. Evans.— I vote "No."

(The Clerk continued the roll call.)

Mr. Speaker.— How does Mr. Waldman vote?

Mr. Waldman.— I refuse to vote.

(The Clerk completed the roll call.)

Mr. Speaker.— The Clerk will announce the result.

The Clerk.— Ayes, 140; Noes, 6.

Mr. Waldman.— I arise on a point of personal privilege.

Mr. Speaker.— The gentleman who rises at this time has no privileges on the floor. The gentlemen involved will please retire to the back of the rail.

(The Socialist members kept their seats.)

Mr. Speaker — the Sergeant-at-Arms will request the gentlemen to retire.

(The Sergeant-at-Arms thereupon escorted the Socialist members to the rear of the Chamber.)

I certify that the above is a correct transcript of my minutes of the proceedings in relation to resolution introduced by Mr. Adler denying seats in the Assembly to certain members of the Socialist Party.

EDWARD N. VAN COTT,
Official Stenographer.

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 involved 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, forced at this time to meet it all,—I mean all the charges and all the evidence, and for the convenience of the presentation and discussion, I have summarized all 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 is unduly controlled—or 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 regime in the United States; and, finally,

Eight: That the Assemblymen personally opposed prosecution of the war and gave aid and comfort to the enemy.

I think you will find that as we proceed in the discussion of these points, 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 several 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.

The first charge is, that it is a revolutionary organization. This charge appears in the resolution of the Assembly itself, which recites that the Socialist party at its national convention in August 1919 did pledge itself and its members to the furtherance of the International Socialist Revolution. Then, also, in your chairman's statement in three specific forms: First, that the Assemblymen with others are engaged in a conspiracy to subvert the due administration of law, and to destroy the right to hold and own private property honestly acquired, to weaken the family tie, which they assert is the seed of capitalism, to destroy the influence of the Church, and then also, that the platform of the Socialist Party calls for the complete destruction of our form of government.

Finally, that the Socialist Party is in favor of absolute substitution of minority for majority rule.

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, its objects and its methods? I think this 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 childish, naive, to describe 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 and has now increased forward, a movement which is in full control of a number of very important countries of Europe, I would say it would be childish to ascribe it to the machinations, to the malevolence or malice of a few agitators who just go out in order to create disturbances and to create a movement of opposition.

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 — and would start with this inquiry: "What causes, what produces, 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 somewhat 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 there over us and passing upon our daily quarrels. We believe the functions of the government is more substantial, more vital; and in that we really do 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, they 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 sustaining and 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 the 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 pursuit of happiness we mean the right — the concrete right — of every man, woman and child in this country and every other country to life, to sunshine, to air, to enjoyment, to amusement, to the blessings of civilization; 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. And 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 say that every advanced country can today at the present state of development easily assure the physical and moral and mental wellbeing 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, not to suffer any one, any member of the community to go hungry or to go in misery in their daily existence.

Take our own country, the United States, and there 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 abund-

ant, mostly fertile, it produces products of every clime, practically, and produces 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, we have waterways, and we have an alert, active, capable population of over 100,000,000, of whom the vast majority is capable, 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 produce today 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 would have been scientifically, rationally and reasonably organized, why 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.

But our country, our industrial systems, 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 countries, and that is the fundamental charge, the fundamental indictment of Socialism against the present conditions. It is not the people of the United States,—the one hundred 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 that land, but it is not. It has been parceled out, divided up into lots and plots, and has been turned over by the gradual processes to a comparatively speaking, small number of landholders, who own the surface of the United States, and by whose permission the rest of the people who own no land, the vast majority, they are upon the surface of this country.

Why, more than 70 per cent of the people of the United States owe their ability to walk on the streets of the country, to live in the houses of the country, to special license which is given to them by the landowning class, and when we come to the natural wealth below the surface of the earth, the vast stocks, of minerals, of matters, the stocks which a benevolent Nature has created in the

course of many thousands and thousands of years, and upon which today we depend for our light, for our heat, for our energy in production of wealth, we find another group, and a comparatively small group, of our fellow citizens who hold that as 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, the Almighty God has meant 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 produced by the agency of many, many generations past as well as present, and the natural heritage of all men. They are owned, they are claimed 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 today ready, willing, eager and highly capable of turning those natural resources, that raw wealth, into consumable products for themselves, their wives and children, to turn it into food, to turn it into clothes, to turn it into dwellings, to turn it into other necessities. They cannot do it except that 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 their lives stand 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."

And the great masses of the American people, as the great masses of the people in every modern country, by 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 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, impotent, powerless to interfere with this industrial autocracy; absolutely impotent to assert its own wealth. Again it bows.

And so we have all the special social evils of modern days resulting from this condition; so we have the few millionaires and multi-millionaires in this country, and we have the millions and millions of men, women and children whose whole life is one of toil and privation; is deprived of all joy, all sunshine, all life in the actual 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, mentally and in every other way, making miserable citizens, making a weak foundation for the hope of future generations.

Now then, we have made that indictment; we have made it more than once, and once in a while, we are met with this simplified 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, I should say, implication of an argument of this kind in the course of this here 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 regime or system of the United States. It is an indictment of whole civilized capital 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, you find the sanitary conditions neglected, you find your health menaced, you find your existence poisoned. A number of citizens may get together and protest against these conditions and against this administration and their misdeeds and this political ring or their adherents will turn to such protesting citizens and say, "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 entered into a partnership in business and have given our

joint efforts to this business for years and years. At a certain moment I, as one of the parties, 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 perhaps by his own dishonesty will turn to me and say, "If you don't like the way we conduct this business there is nothing to hold you in this business of 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 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 probably their youth, probably the greater part of their lives to the enhancement of the wealth and prosperity 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 today that the wealth which they have helped create be equally or at least 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 as it is now, 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 these conditions, the condition of the small class owning the country, and a large populous class working for it, and that has created what we have referred to here in the evidence, from time to time, as 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 the struggle of classes in the country. You may

not call it struggle; you may call it antagonism, but it is an antagonism and it is a vital antagonism.

And it is 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 not at all; or 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 proper profits, must see to it that he pays as little in wages as he possibly can, to get as much out of his worker as he possibly can. It is the law of present economics. It would mean economic extinction if he were not 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 commodity — as much as possible; and between these two opposing and different 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 eating and devouring the 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 in their wives into the factories to compete against the men,— all because necessity compels them. But it is a war nevertheless.

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

And in this war of interests, if you want, every class and every individual of necessity tries to exert the greatest possible power

in its, or his, behalf; and so it becomes 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 the control of the government in 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 decade — 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, — 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 democratic 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 1819 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 1819 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 a family of five persons — 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 rate 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 Johnston, Pa., the Federal Children's Bureau showed that a baby whose father 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 that 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,—as compared with 28 in 1890, an increase of 32 per cent during 20 years.

Then it goes on, 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 for any cause; and finally, say for 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, owns 60 per cent of the wealth. The middle class, 35 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 70,000,000 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 absolutely nothing in this world; that this country with its

wealth, to which they have contributed by its 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 \$400.00 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 report in 1914, before the war. Since that time conditions have become incomparably worse and the contrast very much greater. In that year there was only seventy-five hundred millionaires in the United States. Today we count about thirty-five thousand, more than four times the number, of millionaires. The cost of living since 1914 has more than doubled. Wages have not kept pace. The picture so eloquently given by this report of the industrial relations commission is rosy, is optimistic as compared with conditions as they exist today.

Now then, in view of that, the Socialist Party and the Socialist movement say that there is nothing wrong with this country or its people or the country or people in other advanced countries except the industrial system which prevails in the country. 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, if you allow such a vital function as feeding the people, maintaining them in health, to be carried on by a group of irresponsible capitalists for their private profit and their aggrandizement without any reference, 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 and pleasures. We say this country, as every other country has, it as its first concern to see to it that the wealth which an Almighty Providence has placed within their reach, which an industrious people has increased one hundred fold by their efforts, by their energy for generations and generations of thinkers and inventors and workers have brought to the present degree of perfection. 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 hand 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 the 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 nothing 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, all of our duties 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 this term. We glory in this term. And 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, a radical, a revolutionary change in the mode of government, in the 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 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 a portion of it and 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 a new government laying its foundations on such principles and organizing its powers in such form as to them shall seem most likely to effect the safety and happiness," — well, gentlemen, we are here to remind you that this eloquent sentence is a legitimate and organic part of our Independence just as well 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 regime, 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 and unequitable and 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 rights, upon such conceptions, as to them, 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 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 will be very thankful.

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

AFTER RECESS.

The Chairman.— Proceed.

Mr. Hillquit.— The first charge, Mr. Chairman, to which I addressed myself before the last 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; if 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 added supplementary charges in the following form:

First, that the Moscow International 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 International. Therefore, by inference also the policy of overthrowing all forms of government by violence, and by the 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 complete force violence and direct action of the masses. In the course of the testimony the general strike has been added as one of such charges. Then, also one portion, or paragraph, of the St. Louis Resolution was read 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 social ends. It has been more 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 clear and consistent. I shall say to you now, gentleman, 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 act directly against the Socialist interests and the entire existence and aims of the Socialist movement.

Ours is a movement of propaganda. We are a minority party. Our object and ideal is to convert the majority of the people to our views. Consequently, we are forced to advocate our views. To hold certain views and conceal them would be diametrically opposed to the methods and 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 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 transformation, or revolution, in our method of 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 conspiracy. It cannot be introduced by acts of daring or violence of the minority. Why? Because it means a process primarily of social or economic evolution. If it is a question of an old time revolution, having for its aim the deposing of one sovereign and electing, or appointing another sovereign; or even for that matter, deposing a dynasty and proclaiming a republic, perhaps a few conspirators may undertake the task and get away with it; but to transform the economic basis of our society; to turn over 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 industry, 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 deery and ridicule the romantic notions of changing the fundamental forms of society, the economic basis of society, by any acts of violence or by any conspiracy; and as it has been brought out in this testimony, in the very early days of the Socialist movement — in the days of the First International, this was the bone of contention between the Marxian Socialists on the one side, and the Buchanan anarchists on the other side.

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 logically 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, monarchies in which there are 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, and they could not vote the Czar out of office because they couldn't vote. They could throw him out only physically. In an instance of this kind, of course, whether we say it, whether we don't say it, everybody of any political sense knows that really there is no medium of popular expression; where there is nothing but a system of repression, violence will change that system. Let me give you another example. There was our own revolution. What was the situation there? 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 vote. They could not determine their own destiny. They were a subject colony. Their policies and their life was directed from England. Consequently they could only emancipate themselves by a physical act, by simply saying "We shall no longer be your subjects," and walking away and taking the consequence of a war. It was not by political methods because political methods did not exist. But where there is a machinery for writing of grievances, for changing of governmental forms, why we Socialists say that that is the method which we adopt. That is the part of our program. At the same time we cannot blind ourselves to history. At the same time we cannot be blind to the fact that in actual practice revolutions, changes,—fundamental, governmental and economic changes have 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, I might say practically in all cases, and we have cited a number of cases to you. Now, we say the Socialist Party is not the party of non-resistance and we say further, the hypothesis having been placed to us, that if a majority of the people of this

country were to vote for a Socialist change in the reform 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 American make a different answer? No. And that is all there is to the theory of violence in the Socialist movement, notwithstanding all these disjointed fragmentary statements, that sometimes are made falsely, sometimes in the course of an impromptu speech, and sometimes perhaps in an ill-considered article. I say as against the definite position of the Socialist Party there is absolutely nothing as definite, as concrete, as conclusive to overcome it. In order to clinch this argument, gentlemen, I want to read to you a few very brief passages from a little booklet which is in evidence here of mine, "Socialism Summed Up," not because I want to quote myself as an authority, but because 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 is written both for the purpose of making converts and, of course, you do not make any converts unless you place your actual proposition before them; and also for the purpose of enlightenment of our own 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 and clearly against the true position of the Socialist party. On that subject, and you will not misunderstand it when I read it to you — it is as follows: "The introduction of the Socialist regime 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 Japan to-day and organize a Socialist party, or a Socialist movement, or go to Zululand, because economic conditions are not ripe for it. We do not maintain that we can introduce a Socialist regime before the economic condition of the country is 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 test 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 look 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 social order to be introduced by one sudden and great cataclysm, nor do they expect it to be established by desperation and starvation. The Socialists expect that a cooperative 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 the individual leaders or heroes. The intellectual life of the working class is determined by the training of 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 refer 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, otherwise to write that sentence. The accepted position, then, 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 accompanied by gradual and peaceful stages, without violence or bloodshed. In France the same process culminated in the ferocious fights in the great revolution of 1870-9; 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 very few words on that subject. Mass action or mass petition 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 attacks, 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 in 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 always been this: 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. Either the working class go to the limit in such demand, if it is right, and if it is right, we do not need the general strike. If it is not right, 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 that proclamation in connection, I believe, 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 on 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 abeyance as a possible instrument in some cases, in very exceptional emergencies. 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 got together and say, “We want to form a party of our own; we are not satisfied with the way these 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 sentiments. 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 of the most brutal manner, they still manage to elect a few of their representatives, and those representatives come to the legislative body and their working constituency is waiting and watching, hoping that there 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 actually accorded to them.

I should not be surprised if there ever will arise a condition of this kind on a large scale that that will be what will happen. We do not apologize for it. 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 country, in every civilized modern country. I hope personally, the Socialist party hopes, 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.

The next point made against us is somewhat analogous to this. It is this big point, that the Socialist party is really 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, namely, that the nomination and election serve only to disguise and cover up the true intent and purpose to overthrow the government peaceably and forcibly; also in the very eloquent statement of Mr. Littleton that we are masquerading as a Socialist party: and finally, in a few statements from our platforms and declarations such, for instance, as measures advocated by us are merely preliminary to the realization of our whole program, or that our politics are only a means to an end.

Now, gentlemen, it requires a great legal acumen to construe upon the basis of this statement 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 this 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 become an end to themselves. It is only then, and not otherwise. 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 an office at the remunerative salaries of \$1500 a year. We are not in politics for subsistence,—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 advocated before.

I should go a little farther, gentlemen, I should say this: that the charge so made 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 uncontrovertible truth of the fact that the Socialist Party is a political party. Groups and movements that do not believe in politics as a social instrument of improvement, do not engage in politics. You never found an anarchist group nominating for public office or voting for public office, or sending representatives to legislations, or other public office. 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 divided themselves and assigned different tasks to each one, and each of them spent days, and sometimes weeks, in studying the subject; then introduced bills and followed them up and tried to get them out of the committee, and tried to get them 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 which 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 could not in any way consistently see the charge of the politics being 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 the party take their tasks seriously, that they are a Socialist Party, 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 cooperative industries. A general political victory of the workers, would be bare enough in 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 political self-government. It is for this reason that the movement everywhere seeks alliance with economic organization of labor, of trade unions and the co-operative societies.”

In all fairness and 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, loftier 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 process and not merely an office hunting or spoil dividing process, not merely a pedestal for personal elevation; for that reason, I say, we, the Socialists, are primarily, genuinely and properly a political party and more so than the other parties.

And then again in order to vary the charges somewhat, comes the next charge, namely, that the Socialist party is too much of a political party. You say in the former charge our politics have been a camouflage, that we were 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 exist and we shall discuss the second now,— that the Socialist party unduly controls public officials elected on its ticket, is based upon several pieces of evidence before you. One is the pledge, or so-called 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, 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 or any other kind of pledges 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 other 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, and the term in which 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 I 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 quarrel because, of course, everyone could withdraw his own resignation before it was 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 against the constitutional oath. There is not any oath being taken, nor has there been, 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; and 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 you as a member as long as you comply with their constitution, and that has nothing to do with you, if they are fired out of the party or not. But the fact of the matter is that this obligation cannot be weighed against the only oath we have taken, the constitutional oath of office, when they came to the door of this Assembly.

There has been very little direction of the Socialist party, it appears, in all the existence of these Socialist members in the Assembly. There was only one occasion, the question of prohibition, voting upon the constitutional amendment; and it appears there a conference was held between the Assemblymen and party representatives, and an agreement was reached that they should advocate submitting the question to referendum. They announced it before the decision was reached; but that is the only instance of interfering with their activities; and 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 each other. 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 party interference? Everything charged against us applies absolutely 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, for their accommodation. 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 a party leader, or, vulgarly, the party boss, who represents the party and stands between the party and the elected public officials. Perhaps it 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 nomination or perhaps pay, first, a little friendly call to 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 legitimate political purposes, or 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 is it 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 alone — this proceeding in which we are charged with unduly controlling our representatives in the Assembly — is an eloquent testimonial about the control by the old parties of their members.

Here we read into 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 testimony, 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 — some of them

do — and say, “What have we done?” But what is this? 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 convention? We don't say that by way of indictment or charge, but we say that to remind you gentlemen that this question of political control by a party of its elected officials, is not a peculiar indictment against the Socialist Party. And now, since we are all politicians, I will say a few words to ease our conscience, and I will say this: That this question of political parties interfering with the conduct of the representative 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 of parliamentary representation. You will all remember Washington's Farewell Address, and his warning against political cliques and political parties, parties and groups.

At the time when the country consisted of a few million inhabitants, when the conditions were equal, practically, in every way, there was no occasion, no need for political parties.

The constitution does not provide, does not recognize, the existence of political parties, but as times grew 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 cannot survive. And it was only within the last forty years, or thereabouts, that the law began to recognize it, to legalize existing political parties, to accord them certain rights, and to subject them to general supervision, and 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 ordinary voter today cannot rely upon the individual merits of any candidate. You take a city like New York, where six million persons, or at any rate, a million and a half voters, choose their mayor. How many men know him personally? They are called upon in every national election to vote for twenty or thirty different candidates. How many of us can 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, you will find; very few, it has been found, on a number of occasions. The individual is unreliable. He may change his views, his policies; he may be influenced in some

noxious 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, and the enlightened voter knows, or ought to know, that the Republican party stands for this and this policy; the Democratic party for the other; the Socialist for the other. We will vote in office the party that represents our views, our interests, and we charge the party with responsibility to make good their election pledges and promises as expressed in their platform, and if they don't they will have to meet us the next time, and we will get square on it, and if one of their representatives does not and the party does not discipline him but tolerates him, we will know where to meet the party.

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

And we say we recognize the fact fully and frankly, and we recognize it as a proper fact, and we say 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 face 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 him, we tell to him decidedly, for you to get out of the Socialist party, and to go where your position places you. 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 their platforms.

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

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 that the Socialist party has denounced the war as criminal; that it urged its members to refrain from taking part in any way, and it affirmatively urged them to refuse to engage even in the production of munitions of war and other necessities used in the prosecution of the said war. And then the expression as to 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 necessities 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 they can prove, we will admit that a serious charge, at least, has been established against us. We maintain that there has been no proof of any kind on the subject. 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, of a speedy peace. It has still been opposed to the war as such.

We claim, I think we proved, and we shall revert to it again, that with all that, we at all times recognize that war is on; that war has been declared; that it has been legally declared, and that we submitted and 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, a monstrous 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 degree 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 open convictions. We say

that it was never intended that this doctrine should ever be preached in this country. It was never intended upon the declaration of war or any other great national emergency; that all thoughts of these great people in this great Republic should stop; all democratic institutions should come to an end, and the destiny of 110,000,000 persons should be placed in the hands of one individual, no matter how exalted. It is not a 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 in a democracy like ours at all times, and in connection with all measures, to use his best judgment, and if he honestly, conscientiously thought that a measure enacted was pernicious or 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 changed, to have it repealed, to have it undone; and we had ample authority in all the precedents in this country for that general theory, that the greater the crisis the greater the duty to that, the greater the danger of expressing a position, the higher the call of duty to brave that danger. It is the arrant political coward only who supinely submits to what he in good faith considers a crime. I again want to make it perfectly clear that does not conflict at all with the other as well as the established proposition that in a land of laws, the minority must always practically submit to the concrete enactments of the majority without necessarily approving of it; without necessarily 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 position advanced against us now is a novel, un-American proposition. And, to support this, I shall read a very few quotations from what my friend, Mr. Roe, 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

and 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 higher 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 of 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 corrupt. 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 few quotations from Sumner on the Mexican war. While it 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 block 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?

It is mild in comparison with it; and 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 advocated 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 shall notice only one thing, and that is that the accepted American policy up to this war was as stated by the two characteristic authorities, namely, the right to criticise the war, to oppose the war, exists after the declaration of war; that if it did not exist, this nation could be turned into an autocracy very easily by means of declaring war; that 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 a war party. You remember, I suppose, that our President was 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 would not have 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 a 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 and war terror and war hysteria that invaded 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 unbiased, unhampered by any public sentiment. We thought it a great calamity. We knew that at the time we were about to enter the war, that about six million human beings had been slaughtered on the battlefields, a greater number than was ever destroyed 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 thought, "What will this 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 our wealth; destroy our industrial life; destroy this nation industrially; destroy it morally; that it will breed hatred in our ranks as it has bred hatred in Europe; that it will not accomplish anything good, nothing certainly commensurate with the degree of sacrifice required. We don't believe that democracy would be assured as the result of this war."

We thought the contrary. As a result of this war, certain classes are war lords, certain factors, and factor classes will set up a reign of terror in almost every country. We did not believe that human civilization or the human spirit would be advanced by this war. We could see nothing but a colossal carnage brought on by the commercial rivalries of the people in 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 intelligence 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 authority, 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 while this insane carnage goes on. 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 reconstruction and reconciliation and rebuilding is in order."

And when we saw what we consider this insane, stimulated cry for participation in this caldron, 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 ever 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 fellow-man, to protest against the war, to oppose it with every fiber of our existence, come what may, not only in the shape of disagreement, but persecution or prosecution, suffering of all kinds, and we say to you gentlemen, if any of you had held those honest 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 behold the ruins of our civilization, we 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 of which we feel we were right, in which we feel we performed a great imperative moral duty, it was this opposition to this hideous, inhuman slaughter called war, and if occasion should present itself again, under similar circumstances, we will take exactly the same position. It is, gentlemen, with this attitude of mind in view, 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 law as an inhuman law. We regarded the law as an inhuman institution. We submitted to the concrete will of the majority as good citizens of a democratic republic, but to go out of our own free will to in any way 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 our statement of our opposition to war at all times. Unalterable opposition to the war, just declared, it was said. 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 ago. A certain political party adopted this statement, this 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 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 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 the constitutional enactment, a constitutional amendment higher in law than the mere act of Congress. The declaration of war was an act of Congress. The 18th amendment was an act of the sovereign people in the highest type of legislation.

What did the Democratic Party say? We are unalterably opposed to prohibition by Federal amendment. We said, we are unalterably opposed to the war which is declared. Did you say anything different except that the Democratic Party felt more strongly on drink, and we felt more strongly on the war? Otherwise, is it not the same philosophy? We believed it to be an unreasonable interference with the rights of the states as guaranteed by the constitution. We felt 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 say. 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 the law, we around here will make our own law in defiance of the United States Constitution, and have our drink anyhow.

Now, then, I am asking you if it was perfectly legal and proper for the Democratic Party to oppose the supreme law after its enactment. It criticizes it and demands its repeal and so on. 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 of any Socialist, the Party as such, or its members, having been improperly influenced in any way towards the position which they took. There is not a semblance, a suspicion of the charges that our resolutions, proclamations and stands 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, very briefly, 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 enactment. I will merely say this, gentlemen: The Socialist party, even in Russia, in nationalizing private property, has taken care to compensate the small investors depending upon it. 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, shall say, if there is no law to the contrary, and I hardly know of any, the best, the sanest thing that the world can do today is to repudiate all war debts, and to begin life anew with a clean slate. These war debts today mount into the billions and billions, requiring annual interest of many billions. Barring the small employers and bondholders, who hold a very small minority of it, the vast bulk of it 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 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 are happy enough to hold them. We have created a new class. We have created a new form of bondage by this tremendous unprecedented loans, and as a measure of self-protection, I say mankind that are represented by all nations involved in this war would, in my opinion, and I believe in the opinion of a great many non-Socialist authorities, 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 or believed 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 a sound one. It would have saved our generation and the generations to come and it would have discouraged war 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.— If you will 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.

The Chairman.— Proceed.

Mr. Hillquit.— I have two more brief points, Mr. Chairman, and then I will conclude.

One of them is the charge that the Socialist party owes allegiance to a foreign power known as the International. 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 International, and also that it is the alien state to which, before the five members had entered into this Chamber, they had pledged their support, honor and allegi-

ance, 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, who 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 Socialist 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 that 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 own unhampered independence. I think there is not a movement in the world today which was as warm and consistent a friend of the Irish movement for national independence, and has been for Polish independence before the statesmen of Europe and America ever were made to be aware of the existence of such a problem; and the same thing applies to the aspirations of all nationalities to independent national existence, such as Egypt, or India, or any other countries similarly situated. But the fact that we recognize the national existence and national rights — a national entity — 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 cooperates with similar movements in every other country practically, in joint discussion of any problems, as congresses; occasionally in material support of the Socialist movement if any country 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 and 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, who, I believe, is a son-in-law of President Wilson, on "Experiments in International Administration," and Mr. Woolf, with the Committee of the Fabian Society of London, who wrote a book on International Government, you will find, perhaps, somewhat to your surprise, that there are at least a dozen international governmental institutions, postal unions, as classes, exempt, in which the government of all civilized countries participate. There are between 200 and 300 Socialist, political, educational organizations 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 international, or rather, to be more accurate, was affiliated with the Socialist International while it fully existed. It has expressed at this time its readiness to join a new International — the Moscow International — and the evidence is fully before you as to what it means. It means the foundation of the new modern international organization of socialism, but not with greater powers, and never submitting itself in its practical work in this country to the dictates of such an 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 quote to you. One is the organized labor movement in the United States, the conservative movement led by Samuel Gompers, and the American Federation of Labor. It may not be known to you that the American Federation of Labor is affiliated with the International Labor Bureau, which is in every respect equal to our International Congresses in function,

coming together periodically, having an International Executive Committee, having an International Secretary, having International publications and discussing methods of common concern to the labor movement of the world. And if you say to us by a stretch of imagination 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 our labor movement which considers such points as hours of labor, as wages, as immigration, as safeguards in factories and other concrete propositions? How much more can you say that in their concrete industrial actions, the declarations of strikes, the 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 upon 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 industries that are international, but also religion and also the church, and that a very notable example of it is the Catholic Church, which is 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, a good American citizen, the Reverend John A. Ryan, when he said:

“Possibly my desire to see your personal cause triumph”—meaning this cause before you—“is not altogether unselfish. For I see quite clearly that if the five Socialists 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, in 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 you to a point that 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 international solidarity of men alongside of the existence and with the rights of national governments.

And then the final point made against us, that the Socialist party approves of the Soviet Government of Russia and seeks to introduce a similar regime 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 and to adopt it if it suits them, as a moral right. We recognize besides the economic and social 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 workers, the Russian peasants, the Russian Socialists, 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 this 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 ad-

hered to. We believe that if in the 28 months of its existence no counter-revolutionary powers within; no military powers from without, have been able to disrupt it, that there must be reason for its existence. We do not believe for one moment that the 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 that 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 that would have sprung from the constituent Assembly, for instance, 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 among the conditions confronting them. But we say to ourselves: "Here is a country which, only three years ago at the utmost, began to emerge from a chaos which had been created by mismanagement of generations, of centuries even. They are trying to find their way under the greatest imaginable 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 limiting of their means of transportation — all that makes it for them exceeding difficult. Now, it has taken our revolution a great many years be-

fore the country has settled down to a condition of national existence, and we only had at that time three or four million people, and no more. They have 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 with Russia; if Russia is given a chance to rebuild its shattered economy, Russia will find itself and Russia may become one of the foremost, one of the most advanced and enlightened nations of 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 greatest 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 same light. You will have noticed that the entire tone of the foreign governments — the European governments — toward Russia has changed within the last few weeks. They begin to see the futility of trying to impose a regime of their own like upon a foreign people. They begin to see the futility of trying to install their own brand of civilization, by bayonets, into the Russian people; and they begin to talk of making peace with Russia. They are making peace with Russia; they are establishing relations with Russia; and, gentlemen of the Committee, if you do not hurry up with your decision and your report, you may find Soviet Russia recognized by the United States before you file your report. That, of course, may be quite a prediction. But I say this to you, we have never disguised. We do not disguise.

Now, our sympathy for Soviet Russia. It is legitimate on our part. You may have your preference for any form of government in any foreign country, or for any foreign country, or for any class of people in any foreign country. We recognize there 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 halting; we know they stumble occasionally; they fall occasionally in their way, but we still believe that given liberty of motion they will arrive at the points of their ideal, at least, and we believe that when they do, they will become stabilized, more practical, more realistic, and they will have a contribution to make to

human civilization which will be of primary interest. 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 if we had, 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 we should say that, aside from the question of political consideration or wisdom, 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.

And now, I am through with my point. I will say, just briefly, a few words in conclusion, and that is, 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 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 brought 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 one 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, I suppose; 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, of uniting the representatives of different and conflicting social views, with the sole provision that those who can command a majority for any measure rule on this 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: That 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 have said 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 examination, this very proceeding has shown the danger of trying to introduce any other tests or qualifications. Of the 99 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 of qualification? If these 99 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 at all to illustrate and prove conclusively and concretely the danger of the method 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 more than anything else.

I expect, of course, that in the consideration of this case and in arriving at your conclusions you will bear that point in mind that we made at the outset particularly. 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 from adding any additional test or qualification 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 expressed the position to my mind very soundly, and at any rate 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 stated our platform; we have stated our methods. 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 a question of political advantage, we might have sabotaged this proceeding a little; we might have goaded you a little 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. For remember, gentlemen, we are a rival political party. Your political mistakes are our political gain. Your political ruin will be our political upbuilding, and we cannot conceive of a more flagrant political mistake, of a more flagrant political and moral wrong than the unseating of these five men. But, gentlemen, do you 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 further and say

for the first time in 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 may take it upon themselves to bar a minority party because they strongly 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, the psychology of partisanship, the psychology of hate, of reaction and persecution.

I can see clearly in my mind 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, who claim to be the real loyalists. First it was a question of overlooking a little detail in the law and getting a conviction where a conviction should 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 overlooking it kindly, conveniently. 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 popular adherents of the type of Ole Hanson, and others, arose and the number of those who envied them their laurels and sought to imitate 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 somewhat, 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 manifestoes dated from 1916 had been adopted, after these regu-

lations written in 1909 and 1908 had been published—these men were allowed to occupy their seats. 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 morbid, political, psychology which prevailed in this country a short time ago that made this proceeding possible. Now, gentlemen, this will pass. We will return to normal conditions. We will return to normal mind. We will return to the condition of an actual free and democratic republic, with toleration for all political opinions, so long as they meet on the common, better, ground of the ballot box and constitutional government. And I say if in the meantime you should unseat these Assemblymen, while these normal conditions will be restored, 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 and upheld in this country.

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 apprehension, no doubt, no fear of the outcome of your deliberations.

I thank you once more for your great patience and forbearance, as well as for your courteous treatment of the defendants and their counsel.

Mr. Conboy.—Mr. Chairman, before we adjourn, there is a telegram that has been received by Mr. Hillquit with respect to this matter we inquired about this morning. I think it would be desirable to place it in the record at this time.

Mr. Stedman.—I will read it: "Chicago, Illinois, March 3rd. 1920, Julius, Ten Eyck Hotel, Albany, New York. B. To call emergency convention. D. That party participates only in international including Communist and Spartacans. Both adopted."

Mr. Conboy.—If I could add a word of explanation at this time—you will remember this morning we referred to the two referendums adopted by the Socialist party during the year 1919, copies of which were not contained nor referred to in the report of the Executive Committee, nor special committee that

have been appointed to investigate election frauds within the party.

This inquiry was then sent by telegram to Chicago to ascertain what the nature of those two referendums was. Referendum B, it now appears, was the referendum that provided for the calling of the special convention. Referendum D was the referendum that was referred to in the minority report, which pledged the party not to support anything international which did not include both the Communist group in Russia and the Spartacan, or Spartacides, of Germany.

Mr. Hillquit. — The explanation further having been made in the morning that it had special reference to the Berne conference, to which the Socialist party had elected a representative, and which did exclude the Communist party.

Mr. Conboy. — Was your inquiry directed to having the report itself brought here, with the referendum, so that the committee may have them in their original language?

Mr. Stedman. — I cannot speak for that. I did not send the telegram.

Mr. Conboy. — They were requested to send the report on.

Mr. Hillquit. — There is no report, Mr. Conboy.

Mr. Conboy. — It has been referred to as a report, and also as a referendum. Now, there must have been something submitted to the voters of this party, which is incorporated, or put, in the concise form of that telegram received back, to the effect that the party refused to participate in anything international, which did not include the Russian Communist and the German Spartacides. This was referred to as "Referendum D." I read you the vote this morning. Referendum D was adopted by a vote of 10,000 against a vote of 1,000; so there must have been some platform on which the membership expressed their will.

Mr. Stedman. — That is on the ballot.

Mr. Hillquit. — May I explain, Mr. Conboy?

Mr. Conboy. — Certainly.

Mr. Hillquit. — There is no report on the subject. A motion is made by one local organization of the Socialist party in exactly the language contained in the telegram, namely, —

Mr. Conboy.— The Bulletin says the Executive Committee did report on the referendum.

Mr. Hillquit. — The referendum is originated by the local organization of the Socialist party, which adopts it in the form of a resolution reading, not as it is here abridged as you assume, but in full as given here; that the Socialist party participates only in internationales, including Communist and Spartacans, or Spartacides. That is seconded by a number of other local organizations. It is then submitted just in that language as you read it for referendum D; and then you have that statement in the Bulletin to the effect that it was adopted. That is the report, and that is all there is to it.

Mr. Conboy.— Well, if that is all there is to it, that is all there is to it.

Mr. Hillquit. — I am sorry, but what do you want us to do?

Mr. Conboy.— I do not want you to accommodate me with any more than there is. I accept your statement that is all there is to it.

(Discussion off the record.)

The Chairman. — I think we will adjourn now until tomorrow morning at 10:30.

(Whereupon, at 6:30 P. M., on Wednesday, March 3, 1920, the Committee recessed until to-morrow morning, March 4, 1920, at 10:30 o'clock.)

STATE OF NEW YORK — ASSEMBLY CHAMBER

In the Matter of the Investigation by the Assembly of the State of New York as to the Qualifications of Louis Waldman, August Claessens, Samuel A. deWitt, Samuel Orr and Charles Solomon to Retain Their Seats in Said Body.

THE CAPITOL,
ALBANY, N. Y., *March 4, 1920.*

Present:

Hon. Louis M. Martin,
Hon. George H. Rowe,
Hon. James M. Lown,
Hon. Edmund B. Jenks,
Hon. Edward A. Everett,
Hon. William W. Pellet,
Hon. Edward J. Wilson,
Hon. Charles M. Harrington,
Hon. Harold E. Blodgett,
Hon. Theodore Stitt,
Hon. Louis A. Cuvillier,
Hon. Maurice Bloch,
Hon. William E. Evans.

Appearances:

For the Judiciary Committee:

Charles D. Newton,
John B. Stanchfield,
Arthur E. Sutherland,
Elon R. Brown,
Martin Conboy,
Samuel E. Berger,
Archibald E. Stevenson,
Henry F. Wolff.

For the Socialists:
 Morris Hillquit,
 Seymour Stedman,
 S. John Block,
 Gilbert E. Roe,
 William Karlin,
 Walter Nelles.

LOUIS M. MARTIN, Chairman.

(The Committee met pursuant to adjournment at 10:50 A.M.)

The Chairman.— Proceed.

Mr. Conboy.— May it please you, Mr. Chairman and gentlemen of the Committee:

We have now reached the stage in the course of these proceedings when we are to consider the testimony during these weeks that the inquiry has continued, that has been adduced upon both sides in support of the contentions made upon behalf of the charges which this Committee has been investigating, and in support of the defense to those charges.

As was said by counsel in his closing argument for these Assemblymen yesterday, the widest latitude and the greatest scope have been afforded for the presentation of this evidence. No matter what may have been the original attitude of anyone toward the initiation of these proceedings, there can be no question but that these five men have had the fullest and most abundant opportunity of presenting everything that they considered to be germane or relevant to their defense and have been afforded by this Committee every courtesy, every convenience and every opportunity in the presentation of that defense.

We, therefore, have a record before us which it must be assumed contains the entire statement of what they desire to have considered in support of their attempt to defend their qualifications against the charges that have been made.

With respect to the assertion that there has been a frankness and an openness about their conduct, I shall make no further comment than to say that the Committee had an abundant opportunity, during the cross-examination of these men and of

their principal witnesses, to determine the quality of their frankness and their attitude with respect to responsiveness to the questions and inquiries that were put to them.

They were not hampered, however, in any statements of an irrelevant or immaterial character that they desired to make. None of their answers, no matter how unresponsive, no matter how immaterial to the nature of the inquiry, was stricken from the record. They were given opportunity and permission to utilize the questions that were put to them for the purpose of taking the utmost advantage, afforded by such questions, of making such responses as they desired to make.

The record which this Committee must now consider is made up in large part of documentary evidence. It is not the intention of counsel for this Committee to do other in the course of the discussion of this evidence than to refer to such portions of it as are contained in the official pronouncements, proclamations, manifestoes, declarations, platforms and writings of the party itself, and the statements of its accepted leaders.

There will be observable a studied intent to keep directly within this character of testimony and if it brings the conviction to the minds of the Committee and the minds of the members of this Assembly that we, who have given it the closest attention and scrutiny, believe that it will, these men will suffer for the official pronouncements, declarations and platforms of the Socialist Party of America as declared in the official statements of that party and for their undoubted participation in the disloyal and treasonable conduct of the party.

I conceive that this Committee has before it one of the gravest and most important questions that was ever presented to any court or legislative body in this or any other country, because we are dealing here and now with the very foundations and fundamentals of constitutional and representative government in the United States.

I cannot hope to be as eloquent and rhetorical as the gifted gentleman who addressed you yesterday. My function is entirely to present to you a statement of activities from which there is no escape but in the pronouncement of a judgment against these five men.

It is a long and a tedious task. It is a solemn and an important duty. In the due and proper consideration of it the closest attention and scrutiny are necessary, not only in order that these five men shall have their case properly considered, but that the Com-

mittee itself, as a constituent whole, and by the vote of each one of its members, may exhibit a due and proper appreciation of the issues that are involved.

It becomes necessary at the outset to explain why so much stress and emphasis have been laid by us upon the international relations of the Socialist Party of America; and I may say parenthetically in this connection, and in connection with the entire argument that will be addressed to this Committee, that it will follow very closely the lines and issues laid down by the gentleman who addressed you yesterday in behalf of these five men. It has been truly said in the course of his remarks that there existed an Internationale long before the five Socialist Assemblymen were elected to sit in this body, and that it has never heretofore been considered that the participation of the Socialist Party of America in the Internationale constituted a reason for refusing it participation in our legislative bodies and representation in our administrative government. The question naturally arises, therefore, why it is that at this particular time the legislature of the State of New York should become concerned with, and vitally interested in, the attitude of the Socialist Party of America toward international Socialism. This involves an explanation which goes to the very foundation of the charges which are under investigation in this inquiry.

There is, at the present time, in process of organization, or has already been organized, what is known as the Third Internationale. It was preceded by two others, known respectively as the First and Second Internationales. Each one of these international understandings between the Socialist groups in various countries had a purpose common with that which will probably characterize the Third Internationale. The phrases of international Socialism have not been changed. The phrases and expressions which have been used here time and again may be read in the literature of Socialism for more than a generation. The phrase that "the only struggle in which the working class is interested is the class struggle" may be found in the record of the trial of the anarchists a generation ago, in Chicago. "International working-class solidarity" is no new expression. Unity of the workers of the world dates back to the manifesto of Marx and Engels. There is nothing new in any of these terms and expressions, and we must look deeper to see what it is that has caused the institution of this inquiry and what lies at the bottom and constitutes the foundation of this investigation.

The First Internationale was organized for the purpose of securing international working class solidarity and it was assumed that such International working class solidarity had been thereby secured. The Franco-Prussian war broke out and though in 1868 at the Congress held in Brussels, international Socialism had pledged its members to exert every effort against a declaration of war, and in the event that war was declared to bring pressure by industrial mass action upon their respective governments to bring it to a speedy termination, the fact is nevertheless that the Socialists in Germany supported their government in the Franco-Prussian war, thereby denying by their acts the profession of principles which constituted the First Internationale, and it collapsed with the Franco-Prussian war. When the test came the nationalism of the German Socialist proved superior to his adherence to International Socialism and he proved his loyalty to his government by supporting it during the war. The First International died.

It was not until 1889 that the Second International was organized.

This was sixteen years after the last attempt to hold a meeting of the first Internationale. The Second Internationale was composed of Socialist groups from various countries. It likewise was built upon the same foundations as had been the First Internationale, by the means of which it was expected that the Internationale working class solidarity would be established; that the workers of the world would be bound together in a strong bond of union that would defy all attempts to sever it. Its purpose was to make international Socialism an accomplished and enduring fact. It held its congresses and established its international Socialist Bureau at Brussels. The war broke out in 1914, and, again, the majority Socialists of Germany heeded the call of their country and forsook the claim of international Socialism. They respected their national allegiance as did the majority Socialists of Belgium and France. This was the second rude blow to the aspirations of international Socialism. It was the death blow of the Second Internationale.

But the Socialist party of America put its allegiance to the principles of Internationalism above its allegiance to the United States of America. Its members were true to their faith, and were not led away by the false doctrine of national patriotism, but steadfastly maintained and upheld the ideal of international working class solidarity, and called upon the workers of the United States to refuse support to this government in the war.

Two thousand members of the party were arrested for their activities, and the principal executive officers and members of the executive committee were indicted, convicted and sentenced to terms of imprisonment.

When the war ceased, attempts were made to organize a new Internationale. This time those International Socialists committed to the doctrines and principles of internationalism concluded that they would here and now build an organization in which no group should participate which had been loyal to its government in the war. There were two classes of Socialist groups in the world from whom the new Internationale might be composed. There were those groups on the one hand that had remained loyal to their governments during the war and, on the other hand, there were those groups that during the war had remained loyal to the principle of Internationalism. In the first group were the majority Socialists of Germany. In the second group were the Spartacides of Germany, the Communists of Russia, the Socialist party of America in the United States. Two conventions were held to decide the principles of the new Internationale. The Socialist group or party of America voted to give its support to that International only which should include Russian Communists and the German Spartacides.

One convention was held at Berne; the other was held at Moscow. The first was composed of the loyal, or as the party in this country calls them, pro-war Socialists. There were, it is true, a smattering of radical revolutionary elements, but these were in a decided minority. The other Congress was held at Moscow. It consisted of the radical revolutionary groups which had remained true to the principles of internationalism, and had throughout the war repudiated allegiance to their governments. Confronted with the necessity of choosing between the one or the other, the Socialist party of America cast its lot with Moscow, and by that act, as well as its other declarations, announced that henceforth, as during the war, its allegiance and support in time of crisis would not be given to the United States of America, but to International Socialism.

We are, therefore, confronted at this day and by virtue of these recent events and facts with the necessity for determining how we shall treat this group of persons who are in the United States but not of it, who, while accepting the benefit of our laws and institutions and sacrifices of blood and treasure given to support them, refuse their support to them, who take all they can get but

will not give a life or a dollar to preserve, defend and perpetuate **the government** that is their sole and only guaranty of life, liberty, property and the pursuit of happiness.

It is the first time since the rebellion of 1861 that notice has been plainly and explicitly served upon the government of the United States by a group of men residing within its borders that they will not support or defend it, but that on the contrary they will by all means in their power obstruct and resist it in its effort to maintain in time of stress its national honor and existence. The present issues, therefore, gentlemen, transcend in importance even the war program of the Socialist party of America adopted in April, 1917; for disloyal and traitorous as that program was, the present international affiliations and the purposes of the same are the evidence sufficient and satisfactory to the point of demonstration that what transpired at that time was not an isolated act of disloyalty, but only the initial step in a continuing program of treason. The Socialist party of America is not a loyal organization, disgraced occasionally by the traitorous act of a member, but a disloyal party composed of perpetual traitors.

Governments have the right of self-preservation. That right, it has been admitted in this proceeding, is the fundamental law with governments as it is with individuals. The constitutions of **the state and nation** contain provisions for the purpose of making this right effective. It is contemplated that those who owe allegiance to the nation may attack it in two manners: One by force and violence and the other by means of a more insidious character. Those who attack the nation by force and violence in time of war may be punished for the crime of treason, defined in the Constitution of the United States as waging war against the United States, or adhering to its enemies, giving them aid and comfort. Those who owe allegiance to the United States and in time of war assist in the waging of that war against the United States, or who adhere to its enemies and give them aid and comfort during the same period of national crisis and stress are traitors and punishable as such. But it was contemplated that another form of attack may be made upon the government and institutions of this country, not by force and violence; not in time of war, by actually assisting the enemy, adhering to his cause and giving him aid and comfort, but even by utilizing the institutions of the government to destroy it. To prevent such destruction by such means the Constitution

of the United States contains a provision that the members of State legislatures shall take an oath to support the Constitution of the United States. The Constitution of the State of New York contains a form of oath to be taken by those who have been elected to public office, requiring them to support the Constitution of the United States and the Constitution of the State of New York.

The taking of this oath is not a mere formality. The pronouncement of its terms is not exacted as a mere lip service. It has a definite purpose and object. It is intended to secure an official statement from and pledge by those who have been elected to office under this State that they will support the Constitutions of the United States and of the State. If a member of this Assembly duly elected by the votes of his constituents were to present himself at the bar of this House and declare that he would refuse to take the oath to support the Constitution of the State of New York he would be refused admission as a member of this body. It would not make any difference whether he refused to take that oath because of an expressed determination to refuse support to this government or because of failure upon his part to give any explanation for his conduct. The situation is no different, if a man elected by the vote of a constituency to take a seat in this body subscribes to and accomplishes the formality of the constitutional oath of office, but is a member of an organization whose principles and tenets he has accepted in their fullness which require him and all the members of the same organization to refuse support to this government in time of stress and national crisis when the very existence of the government is threatened, when powers domestic or foreign are endeavoring to pull down the structure, and the man who at that time is pledged to obstruct and resist the effort of the government to sustain itself cannot without a lie upon his lips and within his heart take an oath to support the Constitution of the State of New York and the Constitution of the United States, and his attempt to qualify by taking an oath which he does not mean to keep should be utterly disregarded as patently sham and a mere cloak for treachery.

There is in addition to the international affiliation to which I have directed the attention of the members of this Committee a national program which is part of the same affiliation and that requires a short consideration of the existing government that is officially known, though not yet officially recognized, as the Russian Socialist Federated Soviet Republic. There is enough.

testimony in the case from which the Committee can draw certain inferences and from which certain facts are actually obvious.

The term "Bolshevism" is a term that is quite invariably misunderstood. I think that there are a number of people who have a notion that it is some variation of anarchism and there seemed to have been a decided impression at the outset of this inquiry that one of the first things that the counsel for the Committee would do would be the presentation of the fragments of a bomb or the exhibition of a stiletto dripping with blood. Why, if that were all that we were concerned with in this inquiry, our task would be a comparatively simple one, for when a bomb has been exploded it is a comparatively easy matter to count the casualties. When a man has been assassinated it is comparatively a simple thing to determine the question of guilt. We have here an issue that is of a much broader and wider and greater and deeper scope than would be presented by any occurrence of that character.

The term "Bolshevism" does not mean the rule of majority. On the contrary its chief exposition in the shape of the Constitution of the Soviet Republic of Russia indicates that it means the rule of the minority. The term goes back to the years 1902, 1903 and 1904 to the Social Democratic Labor Party of Russia, and so far as I can see the terms "democratic" and "labor" are always used without any justification at all by these organizations for none of them are democratic and apparently very few are ever composed of the representatives of labor.

The organization dominating the Social Democratic Labor Party of Russia split into two factions, one led by the present Premier of the Russian Republic, Nikolai Lenine, and the other by Martov and Pleckanoff. There is some difference among those who have testified upon the subject as to the character of this disagreement; but from the best evidence obtainable and from the nature of the Soviet Constitution itself, it would seem to be evident that Lenine and his adherents insisted upon a centralized form of executive domination, whereas Martov and Pleckanoff were of the opinion that the rule should be more responsive to the will of the majority expressed by the members.

In the footnote to the pamphlets "Soviets at Work" published by the Rand School, the explanation is that this agreement crystallized in connection with the dispute over the management of the party organ.

Lenine and his idea controlled. It was supported by the greatest number of those within the party, and hence he and his adher-

ents became known as the Bolsheviki or the majority, Niartor and Pleckanoff, on the other hand, who had a minority of votes for the measure they advocated, became known as the Mensheviki or minority, and these terms persisted throughout the succeeding years. Sometimes the Bolsheviki were in the minority; sometimes the Mensheviki were in the majority, but whether Lenine and his adherents were in control or out of control, they were invariably known as the Bolsheviki, and their antagonists as the Mensheviki.

Lenine left Russia in 1905, at the time of the Revolution succeeding the Russo-Japanese War and the disasters in Manchuria. In October of that same year, for the purpose of throwing a sop to popular demand, there was organized what was called the Duma, which was not a legislative, nor administrative, nor executive body, but apparently had functions of a somewhat ambiguous character limited to condemning or criticising, or suggesting changes or modifications in the acts of the Czarist cabinet.

The Revolution of March, 1917, found Lenine an exile from Russia. He had never been disturbed by either the German or Austrian governments from the time when he left Russia in 1905 until 1917, although both of these governments were constantly returning revolutionists to Russia in violation of every principle of international law.

When he returned to Russia, through the assistance of the German government, in a car furnished by them, on a train run by them, from Switzerland, he found that comparatively speaking, there were five parties that had theretofore and just prior to that time existed in the political life of his country. There were, of course, on the Extreme Right those known as reactionaries, the men who were of the opinion that the Duma was an unnecessary admission of the necessity of popular participation in government, and were satisfied with the regime of the Czar, that had existed before the inception of the Duma. There were the Octobrists, who took the name from the fact that they adhered to the Duma, established in October, 1905, and were satisfied with the character of the institution as then established.

There were the Constitutional Democrats, popularly known as the Cadets, from the initial letters of the two words constituting their name. There were Reformists of a political character, and it seems to have been their desire to have established in Russia a form of government based and modeled largely

upon the lines of constitutional government of England. There were the Popular Socialists, to whom Mr. Lee has referred as Trudoviki, in which party Kerenski belonged, and probably had obtained participation in the last Duma held before the revolution as a representative of this party, because he could not come in there in the true light of the revolutionist; and then there were the groups consisting both of Bolsheviki and Mensheviki, who insisted upon the triumph of the communistic principle.

Lenine, when he returned to Russia, most naturally allied himself with the last. The first two, the Reactionaries and the Octobrists, went, of course, out of existence with the revolution. There was no place in the new scheme of things for them, and the attempt or struggle for power from that time forward was between the Constitutional Democrats, the Social Democrats, or Trudoviki, and the Communists. The important issue, before those people of Russia, then one of the belligerent nations, in the spring of 1917, was their attitude toward the war; and with respect to this, Lenine and Trotzky, and their adherents, upon obtaining control of the government, signed with Germany the Treaty of Brest-Litovsk, and by this act released in the spring of 1918 the German army that had theretofore been occupying the Eastern front, and made them available for operations upon the Western front, at a time when the International Allied War Council was sending frantic appeals to the United States for the greatest number of men that could be sent.

There is some confusion as to the manner in which Lenine obtained control of this government between the revolution in the spring of 1917, and the revolution of November, 1917, when the Kerensky government was deposed, and the Soviet government was set up.

It seems that the constituent Assembly was composed of representatives of whom the Bolsheviki constituted only a forty per cent minority; but Lenine had behind him an active and vigorous, as well as radical element; and they were able by force, violence, fraud, if you will, or by peaceful, parliamentary, legal and innocuous methods, if you like, to establish their supremacy. Once having established their supremacy, they determined to maintain and continue it, and for that purpose they drew the remarkable document that is known as the Soviet Constitution.

This Soviet Constitution is based upon three underlying conceptions; one is that which is expressed in the phrase heard so often

throughout these proceedings, "The Class Struggle"; the second is the phrase likewise repeated and reiterated time and again throughout this record, "The Dictatorship of the Proletariat"; and the third seems to be an utter negation of every principle of right and wrong in connection with the establishment of a constituted form of government, which so far as I can see, could have been borrowed from no other authority than the German philosopher, Nietzsche, in his book "Beyond Good and Evil."

This government is based upon the class struggle, and the class struggle is resolved, or ended, by placing all power in the hands of the proletariat, disfranchising every other class, terminating the private ownership of land and all the instruments of production and distribution.

The dictatorship of the proletariat is secured by disarmament of every element of the population except the proletariat, classifying as counter-revolutionists all opposition political parties, subsidizing the willing adherents to the Lenine regime and coercing into submission by process of starvation and other violent methods those who withhold their support.

The dictatorship of the proletariat is further secured by the system of representation in the various Soviet and the all-Russian Soviet Congress. There is a significant disparity of representation between the peasant proprietors who constitute eighty per cent of the population of Russia and the proletariat who dwell in the cities. In the all-Russian Soviet Congress the representation is one to every 25,000 electors in the city and one to every 125,000 inhabitants in the country.

While it is true that in the one instance it is the electors who are mentioned as entitled to representation and in the other instance it is the inhabitants who are mentioned as entitled to representation, this cannot account for the disparity in representation since all are electors who are of the age of eighteen years and over, male and female. The attempted explanation made by one of the counsel for those five members that it was easy to determine who were electors in a city but was impossible to determine who were electors in the country is of course an absurdity, because with an electorate that is composed of males and females of the age of eighteen years and upwards, certainly he who numbers the inhabitants can determine at the time when he is counting them whether they are males or females and by the simplest sort of an inquiry can ascertain whether they are of the age of eighteen years or over. The same

ratio is continued as the basis of representation in the local Soviets and throughout the whole system of government, one elector in the cities has five times as much political power as an inhabitant in the country. There can be no other explanation of this disparity than the securing of the continuance of the proletarian domination.

As bearing upon the attitude of this government toward human rights and obligations, there is a complete muzzling of the press, the confiscation of all church property, the disfranchisement of all ministers of religion. Religious instruction may not be given in any school, public or private, when there is instruction in general subjects, and the law with relation to divorce requires the judge to grant an annulment of marriage where both parties consent to it, and in the event that only one party applies, it is his duty to grant such annulment at the instance of such party after notice to the other and identification of the applying party as the husband or wife of the unwilling member of the family.

My reason for making this explanation with respect to the national character of this movement is in order that you gentlemen of the Committee may have a fair understanding of what is meant by the phrase "dictatorship of the proletariat," and how it is intended to maintain and perpetuate it, because it is this phrase that you constantly meet with in the Communist Internationale constituting the guiding constitution and basis of organization, fundamental and organic law of the new Internationale, to which the Socialist party of America has pledged its support, if you like, or declared itself in solidarity with, if you will.

There are two phases, therefore, to this Internationale program of the Socialist party of America. One phase is that to which I directed your attention at the outset of this discussion involving the Socialist party of America in common concern with the other radical revolutionary groups of the world to refuse its support, to obstruct and resist this government in time of crisis and national peril.

The other is the national, or domestic, program of the same international movement, a description of the character of which I have just made to you.

And now I come to apply, with the aid of the evidence, these fundamental principles to which I have been directing your attention, to the charges that have been made against these five Socialist Assemblymen and the party of which they are members; and I shall very largely follow, in this connection, the lines of

the argument made by the representative of these five men in his remarks delivered in this Chamber yesterday.

The Socialist party of America is neither a party nor American. It is an organization created for the purpose of accomplishing in the United States by any available means, determined only by national conditions and exigencies, the social revolution and the establishment of a Socialist commonwealth as part of the international revolution of which the present Soviet government of Russia is a part.

It is not a party in the sense in which the term "party" is used in American political life. A political party as we understand the term is a group of voters differing from other groups as to the expediency of certain political principles or policies, but steadfast in adhering to the Constitution and to our republican form of government and proposing to effectuate their principles and policies in our political system solely through the processes of the law and the use of the ballot. The Socialist party is a membership organization distinct from enrolled voters. It numbers among its members infants and aliens. It is a member of an international group and its program is not fundamentally political.

It is not American. This aspect or phase of its character is not to be determined by the protestations to the contrary, made during the course of this trial by those witnesses who have attempted a belated declaration of adherence to our form of government and institutions, made under the stress of accusation and to meet the exigencies of the attempted defense; but is rather to be gathered from the unvarying declarations as to the principles and policies with which this record is filled to repletion.

The philosophy on which the Socialist party of America, as the domestic expression of an international doctrine is based, is the very antithesis of national existence. This philosophy constitutes the unvarying platform of the Socialist party of America. It is in violent opposition to the idea of national patriotism, upon which rest in the last analysis our national existence, the establishment of government, the insuring of domestic tranquillity, the promotion of the general welfare and the securing of the blessings of liberty to ourselves and our posterity, the fundamental purposes for which this government was established.

As against these purposes the Socialist party of America adheres to the theory that the citizens of the United States, as well

as those of every other country in the world, are concerned with no other consideration than a continuing bitter struggle between two imaginary classes of society, the one seeking to keep the other in perpetual bondage; that it is only in this struggle that those who are adhering to the principles and policies of the Socialist party of America can possibly be interested; that inasmuch as this is a capitalistic government, its aims and its purposes do not deserve, and will not receive, the encouragement, support and fidelity of those who constitute the members of this party, and that it is necessary, therefore, in order to secure the triumph of the principles of the party, that the government of the United States should be overthrown and in its place should be substituted a so-called co-operative commonwealth operated as part of an international institution of the same character, devoted not to the interests of the entire people of the United States, but exclusively to the alleged interest and for the imaginary benefit of the propertyless elements throughout the entire world denominated the proletariat of all countries, in whose hands, in the phrase of its present chief exponent, Nickolas Lenine, there shall be placed an immutable and perpetual dictatorship.

As I have said, the proof of this program is not to be found in the hypocritical and evasive apologies, protestations and explanations given upon this hearing, but in the plainly written and easily understood declarations of the party itself and of these Assemblymen elect.

It is unnecessary for us to enter into any lengthy analysis or consideration of the principles of radical socialism in this oral argument. Suffice it to say that this party and its members accept those principles in the fullest and to the most unqualified extent. We shall rather content ourselves with an exposition at this place of the not merely un-American but positively anti-American and alien character of this organization.

At the National Convention of the Socialist Party of America, held in St. Louis in April, 1917, a war program was adopted, later confirmed by referendum to the dues-paying membership of the organization. The appeal for support of the government in this time of national crisis was rejected by the party, and its members were directed to deny and repudiate allegiance to this government and reaffirm instead their allegiance to, and support of, this anti-American organization.

Instead of a declaration of allegiance to the United States of

America, this anti-American party unmistakably revealed its real nature in the following language:

“The Socialist Party of the United States in the present grave crisis solemnly reaffirms its allegiance to the principle of internationalism and working-class solidarity the world over and proclaims its unalterable opposition to the war just declared by the government of the United States.” (Rec. p. 449.)

In plain and explicit language it called upon the workers of this country to refuse support to this government in the war. No more explicit announcement of adherence to the enemies of this nation, giving them aid and comfort, was ever made by a traitor or set of traitors.

Adherence to the International and anti-American purposes for which this party was organized is established by the following language, expressly repudiating all sympathy with, or intent to support, the government of the United States, in time of national crisis, no matter how that crisis might have been brought about and even though the very existence of the nation itself is imperiled as the result of an unwarranted, unjustifiable and violent attack involving the nation in the necessity of a defensive war:

“The only struggle which would justify the workers in taking up arms is the great struggle of the working class of the world to free itself from economic exploitation and political oppression, and we particularly warn the workers against the snare and delusion of so-called defensive warfare.” (Rec. p. 450.)

This party declaration was only confirmatory of what the party members themselves understood to be the position that they should take in a time of national crisis. Two of these Assemblymen, Waldman and Claessens, before the party declaration was written, signed pledges in utter violation of their naturalization oaths to protect and defend the Constitution and laws of this government against all enemies whether foreign or domestic; and thereby solemnly pledged themselves not only not to enlist for the purposes of such defense, but to withhold their approval of enlistment on the part of others.

The party kept clearly before its members the conflict between the doctrine and spirit of national patriotism and the anti-

American disloyal and subversive ideal to which it not only stood committed but for which it demanded the unqualified support of its members.

“As against the false doctrine of national patriotism we uphold the ideal of international working-class solidarity.”

No ingeniously devised and cleverly phrased explanation of the witnesses on the stand as to the true meaning of the above solemn declaration of the Socialist Party can change to the satisfaction of any reasonable person its true intent, purpose and meaning. In this declaration national patriotism is held up to the scorn and ridicule of the working people of America. It is pictured as something false, something degrading, something to be abhorred and avoided. There is struck the true keynote of the philosophy of the Socialist Party of America. There, in one sentence, that party expresses its hatred and contempt for that quality without which no man may sit in a legislative hall and help in the making of laws for America for, above all other things, he who makes laws for America must first have in his heart the ideals of patriotism, a love of his country and a respect for its institutions.

There has been no official attempt despite the protestations of those who have taken the stand in behalf of these five men to conceal the international and denationalizing character of this organization. It is evident from the unmistakable language we have already quoted and is also demonstrated by other party declarations throughout the war and since its termination. The anti-America attitude of this party cannot be justified by reference to the speeches and writings of American statesmen of the past who, in conformity with a policy of protest against what they conceived to be the best interests of the United States, had on occasion made declarations which are sought to be utilized in this proceeding as justification for the anti-America attitude of the Socialist Party of America.

The explanation of the anti-America attitude of the Socialist Party of America during the war lies in the anti-national and pro-international character of its program. Its members are not occasional but perpetual traitors, in constant conflict not merely with the purposes of any temporary administration of the affairs of this government, but with its very institutions and fundamental laws. They are citizens not of the United States but subjects of the Internationale whose pronouncements are to be given their moral support, a support which they not only withhold from but deny to the government of the United States. Their submission

to the laws of this country is a matter of expediency or the result of the coercion of the Penal Law. Resistance to the raising of national armies or repudiation of the solemn obligations of the nation were advocated, approved and adopted by the deliberate and overwhelming support of the membership of the party and only deleted or exorcised from its platform by an utter usurpation of power on the part of the National Executive Committee of the Socialist party to hide from the public authorities the illegal purposes of the party and to suppress and conceal the evidences of its unquestioned guilt. To-day these illegal provisions stand unrepealed and no attempt has been made to secure their elimination from the platform of the party by any means known to or accepted by its organic law.

The principal exponent of this party who appears here in the dual capacity of witness-in-chief and counsel-in-chief is the International Secretary for America of the International Socialist Bureau.

Next to him the most prominent exponent of the principles to which this party is committed who has appeared before this Committee is the Educational Director of the Rand School of Social Science, an organization approved by a resolution of the Executive Committee of the National Party, but which has never been approved or chartered by the Education Department of the State of New York; who has been a delegate in attendance at two of the International Congresses and an elected delegate to two other congresses, held since the beginning of the war.

Mr. Lee testified (p. 536) that these international conventions or congresses maintained an International Socialist Bureau with an Executive Committee and secretary acting in the interim between congresses and that the conventions or congresses themselves were composed of "the Socialist Parties of the various countries as affiliated, as represented in these congresses and affiliated with these Bureaus", this constituting the Socialist Internationale. It is true that the Second Internationale has now ceased to exist, but the necessity for an international organization to control, co-ordinate and secure co-operation among the various radical revolutionary Socialist elements in all countries is fully accepted; and the first act of the Socialist Party of America when the conclusion of the war permitted it to resume the holding of national conventions was to declare its realization not only of the importance but the necessity for the immediate organization of a new Internationale, and its adherence to, conformity with and belief in the idea that

such new international should be based in clear and unmistakable terms upon the fundamental principle "that the real struggle in the modern world is one between the workers of all countries as against the ruling classes of all countries" (p. 2023).

Therefore, the first act of the Socialist Party of America after the war was to repudiate those Socialists abroad who had supported their countries during the war, and who were engaged in an attempt to revive the Second Internationale which had become extinct by reason of the world war and at the same time to enter into affiliation and co-operation with the Third Internationale, the international body set up in Moscow to carry out in all countries the principles, program and methods which Lenine and Trotsky have succeeded in fastening upon the people of Russia.

So closely had the bond of internationalism been established before the war that the Socialist representatives in the Rumanian Parliament (p. 550), those Socialists who were to be found in the Duma, in the Austrian legislative body and in other national parliamentary and legislative organizations throughout the world were all regarded as representatives of the International organization (pp. 569, 570), guided by the resolutions of the Internationale which "were considered as having a very high moral authority, as being intended for the guidance of the Socialist Party in the various countries" (p. 570).

The Socialist Party of America was submissive to the high moral authority of the Internationale that existed until the outbreak of the war. When the old or Second Internationale ceased to have authority because of the refusal of those groups in the Socialist movement, criticized, condemned and repudiated as pro-war Socialists by the Socialist Party of America for having set their country above their allegiance to the creed of radical revolutionary socialism, to adhere to the principles of radical revolutionary socialism during the period of national stress and crisis, a new Internationale was sought to be formed, on radical revolutionary lines. During the period of the war the Socialist Party of America maintained itself as part of this International program by its adherence to "the uncompromising" group of International radical revolutionary Socialists who, under the leadership of Lenine, met at Zimmerwald in September, 1915, and at Kienthal in 1916, on whose program the Third Internationale has been erected. By the use of the word "uncompro-

missing" which will be found in the Chicago Manifesto, adopted September, 1919 (p. 305), the Socialist Party of America has reference to the anti-national, anti-patriotic, anti-coalition stand which it and the other radical revolutionary groups of Socialists in Europe took during the time of national peril and stress. Those Socialists in Europe who were loyal to their respective governments, who joined in coalition cabinets, and who stood by their respective countries during the war are expressly eliminated from the category of uncompromising Socialists. The Bolsheviki of Russia, the Spartacides and Independent groups in Germany, and the Socialist Party in America are the outstanding exponents of this uncompromising attitude so repeatedly referred to in the declarations, manifestoes and official pronouncements of the Socialist Party of America since 1914, and the telegram received only yesterday is the last piece of evidence on this point.

The effort made by the defense to qualify and minimize the demonstrated affiliation of the Socialist Party of America with the Moscow Internationale controlled by Lenine, Trotzky and their director of propaganda, Zinoviev, the radical Swiss Socialist, Fritz Platten, and the Premier of the Ukrainian Communist Government, Rakovsky (p. 1475), only tends to emphasize the importance of this connection.

There is no confusion in the mind of Alexander Trachtenberg, Director of the Bureau of Labor Research of the Rand School, that the Socialist Party of America is in complete accord and harmony with the International program of Lenine and his associates. In his letter to the New York Call under date of November 26, 1919, advocating the adoption of the minority report submitted by the September, 1919, National Emergency Convention, to the membership of the party along with the majority report for consideration and vote, Trachtenberg writes:

"By its past record — the adoption of the Zimmerwald program in 1915, the support of the Kienthal Manifesto in 1916, the adoption of the St. Louis resolution in 1917, the general position of the party and the sentiment of the rank and file throughout the last five years — the Socialist Party could not do anything else but ally itself with those Socialist groups who have like itself remained steadfast to the revolutionary and internationalist spirit of the Socialist movement" (p. 1255).

Every official pronouncement of the party and the unofficial statements of its members can only be understood when this underlying affiliation is appreciated.

In the early part of last year James Oneal was sent to Europe by the Socialist Party of America and returned about the last of April.

On May 7, 1919, he made a report which was submitted to the National Executive Committee of the Socialist Party. His visit to England closely followed the holding of the Moscow Congress at which the Third Internationale was established in March, 1919. It also followed the Berne conference, whose program was rejected by the Socialist Party in America, because it was not sufficiently radical and revolutionary.

This report is of great importance because of its explanatory statement of the nature of the Third Internationale and was before the members of the Socialist Party of America at the Emergency Convention held in Chicago in September, 1919, when the party decided to affiliate itself with the Moscow Internationale.

In order that the Committee may have a clear understanding of this report, and inasmuch as an examination of it will indicate the extent to which the views of the party responded to the Internationale situation as reported by Mr. Oneal, I deem it advisable at this time to read that report in full. It was subsequently disseminated among the members of the Executive Committee in June, 1919:

“BROOKLYN, *May* 7th, 1919.

“DEAR COMRADE GERMER:

“I am enclosing the story of my experience on arrival in England, which appeared in the Call. Owing to the police espionage I had to be very careful and I decided to wait until I returned before I wrote you or made any reports.

“I did not go to any other country for a number of reasons. First, the situation is still so unsettled in the other countries that in my judgment it will probably be a year before we can make any definite alliance with comrades abroad. The Italian comrades have refused to attend the Berne Conference, and when I was in London, news came that the Italian Party had also definitely withdrawn from the International Bureau. The Swiss comrades also refused to attend and I learned that there is no likelihood of them affiliating with the Berne crowd.

“The British Socialist Party, which corresponds to the Socialist Party in this country, had intended to send delegates, though not satisfied with all the elements that would attend at Berne. In the meantime, the Labor Party claimed a monopoly of choosing all delegates representing Great Britain. The Independent Labor and the British Socialist Party protested, and the latter announced its intention of ignoring the decision of the labor party, but could not elect its delegates in time. But as soon as the decision of the Berne Conference became known, the British Socialist Party comrades, if the members of the executive are to be relied upon, and I think they speak for the membership — decided that they would not care to affiliate with the Berne organization.

“In France the situation has not changed and owing to this fact, I questioned the advisability of going to Paris. Some of the French delegates formed a healthy ‘left’ in the Berne Conference, and the tendency is in that direction in the French movement. Now that the war hysteria is passing the chauvinists in the French movement are losing what standing they had and the whole movement will eventually plant itself on a sound international basis. May Day events will undoubtedly hasten this result.

“I could have stayed another week and attended a meeting of the commission of the Berne conference which was called to meet in Holland on April 24th. I could have claimed a seat in the commission, but in doing so I would have been morally bound to pay \$100 dues to the old International Bureau. I would not take that responsibility as it was in conflict with my judgment. The next best thing was to write a statement of what had occurred in the United States, the activity of the social patriots who had left the party, how the party had been persecuted, the complete collapse of the American Federation of Labor officialdom to imperialism and autocracy, and the position of the party regarding the League of Nations, war and internationalism. This I did and I gave copies to J. Ramsay MacDonald of the Independent Labor Party, and to Comrade Inkpin, secretary of the British Socialist Party. MacDonald attended the meeting of the Commission, and no doubt brought this statement to the attention of the members, and they know what the attitude of the American Party is. Whether it will help in eliminating the chauvinist elements of the Berne

organization I do not know, but it is certain they will gather no comfort from it. I regret that I did not make another copy of this statement to send on to you, but it will probably appear in the Call, the organ of the B. S. P.”—

That is, the English Call. It is not the New York Call.—“as Inkpin promised it would, and if I can get a copy of it I will send it on to you.

“There is the further fact that the Scheidemann patriots were accepted at Berne, a fact, of course, which we knew before I left this country. They correspond to the Social patriots in the allied countries and there is little difference between them except that they represent the bourgeoisie classes of their respective countries and are in conflict with each other.

“A large part of Central and Eastern Europe is still in a state of turmoil and it will be many months and possibly a year or two before any definitely established party group will be formed that will have time to consider the founding of a new Internationale.

“While in London I secured some information regarding the Communist Congress held in Moscow. It had to be called in an atmosphere of secrecy if delegates in other countries were to attend and a number of delegates were arrested while on their way to the Congress. Despite opposition 32 delegates were present representing the following fourteen countries: Germany, Russia, Hungary, Sweden, Norway, Switzerland, America, Bulgaria, Rumania, Poland, Finland, Ukraine, Esthonia and Armenia. The Berne Conference had 100 delegates representing 25 countries, but the delegates did not have the same difficulties to face that the Moscow delegates did.

“Fifteen other organizations were represented at Moscow with a voice but no vote. These included representatives of Czech south Slav (Jugo Slav), British and French Communist groups, Dutch Social Democratic Party, Socialist Propaganda League of the United States, Swiss Communist group and similar groups in Turkestan, Turkey, Georgia, Persia, China and Korea. These representatives were probably comrades who were marooned in Russia and were accepted as fraternal delegates but unable to speak authoritatively for their organization.

“An article in the central organ of the Soviets ‘Isvestiya’ refers coolly to the commission elected by the Berne Conference to go to Russia and investigate the Soviet regime. An extract from it undoubtedly reflects the view of the Moscow Congress. I quote (he says):

“‘The establishment of the Communist International, which places itself in opposition to the international of opportunists and social traitors, has now confronted all the hesitating elements in the Socialist movement who have not yet sold their principles to the imperialist bourgeoisie with the option either of joining the advance guard of the proletariat in its fight for the Social Revolution, or of going over to the league of capitalists struggling for social reaction. There is no longer a third way. The Social Revolution is knocking at the door of the Old World. With the establishment of the Third Internationale the proletariat has reached the very gates of the Socialist era and will know how to open them, in spite of all the obstacles which have been accumulated in its way by the will of the ruling class and the treachery of its former leaders.’

“The Moscow Congress resolved to take over the work of the Zimmerwald and Kienthal groups after a report by Balabanoff, Secretary of the Zimmerwald International Socialist Committee, in which he was joined by,”— now note the names of the members of the Zimmerwald Association — “Lenin, Trotzky, Zinovieff, Rakowsky and Platten as members of the Zimmerwald Association.”

“On the matter of organization I quote the following decision of the Moscow Congress:

“‘In order to expedite the commencement of activity of the new International the Congress at once elects the necessary organs with the provision that the final constitution of the Communist International will be submitted by the Bureau to the next Congress. The direction of the Communist International is entrusted to an Executive Committee consisting of one representative from the Communist parties of the more important countries. The parties in Russia, Germany, German-Austria, Hungary, the Balkan Federation, Switzerland and Sweden are to send their delegates to the first Executive Committee without delay. Parties from other countries, which will have declared their adhesion to the

Communist International, before the second Congress, will also receive a seat on the Executive Committee. Pending the arrival of delegates from abroad, the comrades of the country in which the Executive Committee has its seat will undertake their work. The Executive Committee elects a Bureau of five members.'

"So far as I know there was unity at the Moscow Congress, which was quite in contrast with the Berne Conference. There is little doubt that in selecting the name 'Communist' the Moscow Congress did so for the same reason that the Marxists did in 1847, that is, to distinguish themselves from the many sects and groups going under the name of Socialist. The world war has resulted in the same confusion regarding the use of the word that was apparent in the days when various utopian sects of divergent views called themselves Socialist. The Moscow Congress certainly have in mind the ideals of Socialism, not the concept of communism of wealth which has characterized many religious sects. Its membership is made up of all the elements of the Socialist movement that oppose war and militarism, relies upon the class struggle to chart the course of the movement and keeps in mind the fact that the real struggle in the modern world is one between the workers of all countries as against the ruling classes of all countries.

"In conclusion will state that I could have gone to other countries and probably have acquired more information, but learning what I did in London, I felt I could not justify the expenditure of a few more hundred dollars for what additional information I might have secured. There was the additional consideration that if I stayed longer I had no assurance of getting passage back before June and perhaps later. I would have, therefore, piled up a large expense which would have hardly been compensated by any additional information I might have secured.

"My impression is that as the work of the Paris peace conference becomes better known, the dispelling of illusions that the diplomats might be persuaded to make a 'people's peace,' illusions, strange to say, many who called themselves Socialists apparently believed, the drift away from the Berne Conference will become pronounced and this survival of the old International will disappear. There were some revolutionary elements at the Berne Conference who hoped that

they could swing it to adopt declarations that would be a challenge to the Paris diplomats. A statement made at the Berne Conference by Lorient of France, for example, was read at the Moscow Congress and was heartily cheered. I was unable to get the text of this statement, but it is evident that there were delegates at Berne, though in the minority, who would be acceptable to Moscow. The Irish delegation was also of the same type.

“ Then there are elements like the I. L. P. of Great Britain who from the beginning of the war maintained a critical attitude toward their own government and suffered persecution for it. Their offices were raided, their literature confiscated and many of their members served terms of imprisonment. They have occupied a center position, but they will inevitably be driven to a course that will bring them to hearty support of a genuine International pledged to International solidarity of the workers and against imperialist wars. Their fault has been hesitation to draw logical conclusions from facts which they repeatedly brought to the attention of their own membership and the workers in general. Events are dispelling their illusions as they admitted to me when I talked with them.

“ The International was the work of years and it will require time to rebuild it on a sound foundation. The process of getting together is now under way and will proceed more rapidly as the wounds of the war are healed. Whether the party desires to take any immediate action regarding the International upon the basis of our knowledge is for the party itself to determine (pp. 2019–2024).

(“Signed) JAMES ONEAL.”

The Chairman.— Shall we recess now ?

Mr. Conboy.— If the Committee can bear with me until the regular hour of adjournment, I should prefer to go on. If it is just as agreeable to the members of the Committee to go on for the next ten minutes, I prefer that.

The intimate connection between Zimmerwald and Moscow is shown in the fact that the report of the work of the Zimmerwald and Kienthal groups is joined in by Lenine, Trotsky, Zinoviev, Rakovsky and Platten, who are the signers of the Moscow Manifesto. The membership of the Moscow Congress as explained

by Oneal "is made up of all the elements of the Socialist movement that opposed war and militarism, relies upon the class struggle to chart the course of the movement and keeps in mind the fact that the real struggle in the modern world is one between the workers of all countries against the ruling classes of all countries."

From the Moscow Congress was issued a manifesto adopted March 26, 1919, signed by Rakovsky, Lenine, Zinoviev, Trotsky and Platten addressed to "The Proletariat of all Lands," published under the title of the "Manifesto of the Communist International" characterized by the Literature Department of the Socialist party (P. 278) as "undoubtedly the greatest declaration ever issued from any working class tribunal since the Communist Manifesto of Marx and Engels," and identified by Assemblyman Waldman as the first official document of the Communist Internationale which is the same Internationale that is referred to in the minority report to the Socialist party as the Third Internationale. (P. 1809).

The character of this document is admirably stated in the following from the introductory paragraphs contained in the pamphlet in which the Manifesto itself is printed. This introduction declares that the Manifesto "speaks the plain, clear language of the revolutionary Communistic proletariat" and commends "its remorseless and scientific criticism of the political and economic fallacies that pass for socialistic activity in some circles." The purpose of the Manifesto and of the Third Internationale is thus described in the concluding language of this introduction:

"Reformistic opportunism is pilloried as it deserves to be. It (the Manifesto) will assist the Socialist movement everywhere into the path of uncompromising revolutionary action that alone can usher in the triumph of international socialism." (P. 280).

The Manifesto introduces its international program in the following paragraph:

"We Communists, representatives of the revolutionary proletariat of the different countries of Europe, America and Asia, assembled in Soviet Moscow, feel and consider ourselves followers and fulfillers of the program proclaimed seventy-two years ago. It is our task now to sum up the practical revolutionary expense" (probably experience) "of the working class to cleanse the movement of its admixtures of

opportunism and social patriotism and to gather together the forces of all true revolutionary proletarian parties in order to further and hasten the complete victory of the Communist revolution.”

It advocates radical methods only. Its language is as follows:

“ The opportunists who before the war exhorted the workers in the name of the gradual transition into Socialism, to be temperate; who during the war asked for submission in the name of Burgfrieden ” (domestic peace) “ and defense of the Fatherland, now again demand of the workers self-abnegation to overcome the terrible consequences of the war. If this preaching were listened to by the workers, capitalism would build out of the bones of several generations a new and still more formidable structure leading to a new and inevitable world war. Fortunately for humanity this is no longer possible.” * * *

And again:

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

That parliamentary methods are not to be employed in establishing this proletarian dictatorship is made as plain as a pike-staff by the following paragraph, which is of transcending importance:

“ If the finance oligarchy considers it advantageous to veil its deeds of violence behind parliamentary vote then the bourgeois state has at its command in order to gain its ends all the traditions and attainments of former centuries of upper class rule multiplied by the wonders of capitalistic technique; lies, demagogism, persecution, slander, bribery, calumny and terror. To demand of the proletariat in the final

life and death struggle with capitalism that it should follow lamb-like the demands of bourgeois democracy" (and it may be said in explanation of this phrase that every democracy is in the view of those who accept the principles of radical revolutionary Socialism a bourgeois democracy) "would be the same as to ask a man who is defending his life against robbers to follow the artificial rules of a French duel that have been set by his enemy but not followed by him (p. 286).

"In an empire of destruction where not only the means of production and transportation but also the institutions of political democracy represent bloody ruins, the proletariat must create its own forms to serve above all as a bond of unity for the working class, and to enable it to accomplish a revolutionary intervention in the further development of mankind. Such apparatus is represented in the workmen's councils."

We now come to the purpose plainly announced and method clearly defined by which the dictatorship of the proletariat is to be established the world over. An imperium in imperio is to be created which shall destroy the government by means foreign to, independent of and inconsistent with those provided by our constitutional and parliamentary form of government. This program is as follows:

"The proletariat created a new institution which embraces the entire working-class without distinction of vocation or political maturity, an elastic form of organization capable of continually renewing itself, expanding, and of drawing into itself ever new elements, ready to open its doors to the working groups of city and village which are near to the proletariat.

"This indispensable autonomous" (the idea of a self-functioning extra-governmental organization is here plainly expressed) "organization of the working class in the present struggle and in the future conquests of different lands, tests the proletariat and presents the greatest inspiration and the mightiest weapon of the proletariat of our time (p. 287).

"Whenever the masses are awakened to consciousness, workers, soldiers and peasants' councils will be formed. To fortify these councils, to increase their authority, to oppose them to the state apparatus of the bourgeoisie is now the chief task of the class conscious and honest workers of all

countries. By means of these councils the working class can counteract that disorganization which has been brought into it by the infernal anguish of the war, by hunger, by the violent deeds of the possessive classes and by the betrayal of their former leaders" (pp. 287-288).

Then follows this statement of what will be accomplished by these councils so organized and created for these purposes:

"By means of these councils the working classes will gain power in all countries most readily and most certainly, when these councils gain the support of the majority of the laboring population. By means of these councils the working class once attaining power will control all the fields of economic and cultural life as in the case of Russia at the present time" (p. 288).

It must be remembered that though the chief counsel and chief witness of the defense has declared, for the purpose of this trial, that he does not favor the Soviet form of government for this country, his party has accepted the Internationale of which this document is the constitution and statement of program by which the purposes of this Internationale are to be internationally accomplished.

While the imperium in imperio is thus being created the disintegration of the State is at the same time to be accomplished, and we must emphasize at this point that despite the testimony given by those of the five Assemblymen who took the stand in their own behalf as well as by their other witnesses that they do not advocate a Soviet regime in the United States, these interested denials can have no weight in view of the policy of the party in affiliating with the Third Internationale. Moreover, other leaders are in favor of commencing with the program at once.

The night following the termination of hostilities, at the Park View Palace, 110th street and Fifth avenue, Prof. Scott Nearing, formerly of the University of Pennsylvania, now of the Rand School and a colleague there of Mr. Claessens, made a speech in which he said:

"So while we rejoice that the Russian revolutionists are breaking economic chains; while we send our good wishes and cheer to the German revolutionists as they throw off autocracy and set up a government of the people, let us not forget

that expressions of good cheer and messages of encouragement, are not the things that the Russian and German workers want from us. They want from us a workers and soldiers' council in New York city. They want from us a workers and soldiers' government in the United States. When we have an established government, we will have made good our claim to brotherhood and comradeship with the workers of Russia and Germany." (pp. 1469-1470).

Similar views were expressed by Alexander Trachtenberg in the speech which he made at Park View Palace on November 7, 1919, at the celebration of the second anniversary of the Russian Soviet Republic, (p. 228) in the speech of Claessens made upon the same occasion, and in the speech of Waldman, made on the same evening, at a similar celebration, held at Brownsville Labor Lyceum, Sackett street, Brooklyn, at which Solomon was the chairman, and which was also addressed by James Oneal, the observer of and reporter on International Plans and Purposes.

The Chairman.— Recess until 2 o'clock.

(Whereupon, at 12:30 P. M. the Committee recessed until 2 o'clock P. M.)

AFTER RECESS, 2:20 P. M.

The Chairman.— The index as prepared by the official stenographer will be considered a part of these proceedings and incorporated in the record by the printer. Proceed.

Mr. Conboy.— Mr. Chairman and gentlemen of the Committee: When we had concluded before the noon adjournment I directed your attention to the character of the domestic program stated in the Constitution of this new Internationale and the advocacy of it by leaders of the Socialist party of America within a day after the signing of the armistice and latterly within the period of a few months or at the time of the celebration of the second anniversary of the establishment of the Soviet Republic. I continue with my analysis of this Communist Manifesto. The terms that you will find used in it are those which have occurred time and again throughout these proceedings and constitute the

vocabulary of international Socialism and are completely and thoroughly understood by its advocates and adherents.

“The collapse of the imperialistic state and of the imperialistic military system and the disintegration of the government are to be concomitant with the organization of the proletarian regime.

“The imperialistic war which pitted nation against nation has passed and is passing into the civil war which lines up class against class.

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

“The Communist parties, far from conjuring up civil war artificially, rather strive to shorten its duration as much as possible—in case it has become an iron necessity—to minimize the number of its victims, and above all to secure victory for the proletariat. This makes necessary the disarming of the bourgeoisie at the proper time, the arming of the laborers, and the formation of a communist army as the protector of the rule of the proletariat and the inviolability of the social structure. Such is the Red Army of Soviet Russia which arose to protect the achievements of the working class against every assault from within or without. The Soviet army is inseparable from the Soviet State * * *” (pp. 288–89).

The International scope of this new movement with which the Socialist Party of America has allied itself is evident in the following differentiation between the Second and Third Internationales:

“During this period” (the period of the Second Internationale) “the center of gravity of the labor movement rested

entirely on national grounds confining itself within the realm of national parliamentarism to the narrow compass of national states and national industries" (p. 289).

The purpose of the Third Internationale as distinguished from the First and Second which preceded it, is thus declared:

"As the First Internationale foresaw the future development and pointed the way; as the Second Internationale gathered together and organized millions of the proletariat, so the Third Internationale is the Internationale of open mass action, of the revolutionary realization, the Internationale of Deeds. Socialistic criticism has sufficiently stigmatized the bourgeois world order. The task of the International Communist Party is now to overthrow this structure and to erect in its place the structure of the Socialist world order. We urge the workingmen and women of all countries to unite under the Communist banner, the emblem under which the first great victories have already been won" (p. 290).

Our interest in this pronouncement of the Third Internationale is not abstract. These provisions have a concrete meaning to this country and we are interested in the fact that the Socialist party of America, by referendum, has affiliated, declared its solidarity with and become part of the Communist Internationale at Moscow, for the reason that that Congress has unequivocally declared its purpose to be the overthrow of the United States of America, and its aim and only object is to establish in all countries, the United States included, a dictatorship of the proletariat.

Mr. Stedman.— You do not pretend to be reading now?

The Chairman.— No.

Mr. Conboy.— Not only has the Party by its action at the Emergency National Convention in September, 1919, adopted this principle and program, but these assemblymen elect, their instructors and leaders have made public utterances whose plain and unmistakable meaning shows that they are in full accord and sympathy with the program and principles enunciated in this Moscow Manifesto.

The Manifesto concludes as follows:

“Proletarians of all lands! In the war against imperialistic barbarity, against the monarchy, against the privileged classes, against the bourgeois state and bourgeois property, against all forms and varieties of social and national oppression — Unite!”

“Under the standard of the Workingmen’s Councils, under the banner of the Third Internationale, in the revolutionary struggle for power and the dictatorship of the proletariat, proletarians of all countries — Unite” (pp. 290–291).

Comment upon this language would seem unnecessary.

It has been necessary to dwell at this length upon the Moscow pronouncement because the Socialist Party of America in adopting the principles and program therein announced has clearly and conclusively proven that they are not a political party, that they are a revolutionary organization committed to the proposition of the destruction of our government and of its ideals of democracy and that the five assemblymen elect as members thereof and active and insistent exponents thereof, present themselves at the door of this chamber fully determined to play their part in the destruction of this State.

In the governing rule of the Communist Internationale we are informed, and I am reading the exact language, that:

“This Internationale, which subordinates the so-called national interests to the interests of the International revolution, will personify the mutual help of the proletariat of the different countries, for without economic and other mutual helpfulness the proletariat will not be able to organize the new Society.” (297.)

These rules end with the following exclamation:

“Long Live the International Republic of the Proletarian Councils.” (P. 298.)

In the article written by Morris Hillquit to the *New York Call* on May 21, 1919, before the Oneal report was distributed among the members of the executive committee, before Referendum “D” had been adopted by an overwhelming vote and before the Socialist Party of America had at its Chicago Convention announced its solidarity and affiliation with Moscow, the purpose and scope of the new International were plainly stated by Mr. Hillquit

who at that time was opposing the theory that the foundations of the Third Internationale of Socialism had been laid either at Berne or in Moscow. His statement is as follows:

“The communist congress at Moscow made the mistake of attempting a sort of dictatorship of the Russian proletariat in the Socialist Internationale and was conspicuously inept and unhappy in the choice of certain allies and in the exclusion of others.” (Pp. 1262–63.)

Despite this criticism, however, the party has, as already indicated, taken an advanced radical revolutionary stand in a definite way, the purpose of which cannot be mistaken.

The minority report sent out by the Chicago Convention of September, 1919, adopted by an overwhelming vote of the members of the party denounced the Berne conference and declared that:

“Any international to be effective in this crisis must contain only those elements who take their stand unreservedly upon the basis of the class struggle and who by their deeds demonstrate that their adherence to this principle is not mere lip loyalty” (p. 326).

The exclusion of certain groups by the Moscow convention declared in May, 1919, by Mr. Hillquit to be conspicuously inept was in September, 1919, approved by the party both in its Manifesto, unanimously adopted, and in the Minority Report subsequently adopted by referendum vote. In the former, pro-war Socialists were repudiated in the following language:

“Recognizing this crucial situation, at home and abroad the Socialist party of the United States at its first national convention after the war, squarely takes its position with the uncompromising section of the International Socialist movement. We unreservedly reject the policy of those Socialists who support their belligerent capitalist governments on the plea of ‘national defense’ and who entered into demoralizing compacts for so-called civil peace with the exploiters of labor during the war and continued a political alliance with them after the war.” (P. 305.)

In like manner the Minority Report declared that:

“We consider that a new international which contains those groups which contributed to the downfall of our former

organization must be so weak in its Socialist policy as to be useless." (P. 326.)

The Chicago Manifesto declares its "solidarity with" or pledges its support to "the revolutionary workers of Russia in the support of the government of their Soviets, with the radical Socialists of Germany, Austria, Hungary, in their efforts to establish working class rule in their respective countries and with those Socialist organizations in England, France, Italy and other countries who during the war, as after the war, have remained true to the principles of uncompromising international Socialism." (P. 305.)

The manifesto ends "Long Live the International Socialist Revolution, the only hope of the suffering world." (P. 307.)

The choice of allies by the Moscow Congress declared inept in May, 1919, by Mr. Hillquit is demanded in referendum "D" and is thus approved in the Minority Report in September, 1919, by the Socialist party of America in the following language:

"The Socialist party of the United States in principle and in its past history has always stood with those elements of other countries that remained true to their principles. The manifestoes adopted in National Convention at St. Louis (1917) and Chicago (1919) as well as referendum 'D' 1919, unequivocally affirmed this stand."

I am reading now from the Minority Report.

"These parties, the majority parties of Russia, Italy, Switzerland, Norway, Bulgaria, Serbia, Greece and growing minorities in every land are uniting on the basis of the preliminary convocation at Moscow of the Third Internationale. As in the past so in this extreme crisis we must take our stand with them." (Pp. 326-7.)

On October 28, 1919, commenting upon a letter dated September 27, signed by Haase, Crispian and Stoerker of the Central Committee of the Independent Social Democratic party of Germany, a radical group, though not so radical as the Spartacides whose inclusion in the new Internationale was demanded by the party, sent to Mr. Hillquit for transmission to the National Executive Committee of the Socialist Party of America, Mr. Hillquit as reported by the New York Call of that date said:

“The interesting thing about it is that the independents take a position very much like that of the Socialist party of the United States. With this letter they also sent a copy of the program adopted by them at their last convention. They place themselves in the platform squarely with the radical revolutionary wing of the international Socialist movement and in very clear opposition to the majority Socialists of Germany.

“They advocate the establishment of workers’ councils or Soviets as permanent institutions and as part of the governmental machinery of Germany. They advocate the immediate socialization of the most important industries and oppose co-operation with bourgeois elements in the government.

“Their position on the Socialist International is very similar to that of the Socialist party in America in that they, too, seek to exclude the so-called social-patriotic elements of the Socialist movement in all countries and to include the Bolshevik Socialists of Russia” (p. 2029).

There can be no other meaning of the phrase, “The radical revolutionary wing of the International Socialist movement,” of which the Socialist party of the United States is by this statement conceded to be a component part, than that it describes the purposes and methods of the anti-America, non-political, anti-patriotic, anti-national, anti-legal, extra-parliamentary international movement, whose national program in this country is to be fashioned upon the plan of the Soviet regime of Russia, inspired by its originator and dictator, Nicolai Lenine, and that the Socialist party of the United States proposes to carry into effect its purposes in this country as the purposes and objects were accomplished in Russia.

At this point I submit that the overwhelming evidence in this case has proved beyond reasonable doubt the acceptance of and adherence to, by the Socialist party of America, of the International program, subordinating national allégiance at all times to Internationalism and even denying it such allégiance in times of national crises and emergency, and that so far as the domestic program of the same Internationale is concerned, there is the same sufficiency of evidence to establish the proposition that it is intended to impose this domestic program on the United States.

Now, we come to a consideration of the methods or tactics by which the Socialist party of America hopes to accomplish these things.

The Socialist party of America is preparing for and attempting to bring about a revolution in this country as part of the international social revolution for the foregoing purpose, and to accomplish the foregoing program by the following unlawful methods:

First: It has opposed and obstructed and continues to oppose and obstruct the government of the United States and of this State in all measures relating to the national and State defense. Its purpose in so doing is a manifest one: to weaken and leave defenseless the government of State and Nation against the attacks of foreign and domestic enemies, and thus deprive it of that right of self-preservation which is admittedly the first law of governments as it is of individuals.

Second: It has advocated and incited the destruction of the existing government of the United States by illegal mass action.

Third: While professing to utilize political action, it constantly denies that existing evils or defects may be remedied by such action, and insists that such political action must be supplemented by violence and mass action, which it advocates, both directly and by insinuation and suggestion.

Fourth: The political action of the party is responsive only to the dues-paying membership. Those who are elected to office are bound to follow the dictates of such membership and their compliance is compelled by drastic and comprehensive provisions in the constitutions of the party.

Fifth: These methods and tactics are prescribed for the members of the party as an integral part of the party's principles and program, by a great International Body. In the employment of each and all of these methods, the Socialist party of America is in harmony and accord with the radical revolutionary Socialists in all the countries of the world.

I now devote myself to the first proposition.

The Socialist party's opposition to and obstruction of the government of the United States in all measures relating to national and state defense became conspicuous immediately after the sinking of the *Lusitania* in May, 1915, when it became apparent that America would eventually be forced into the war.

The program and policy of the party in concise and significant declarations were compiled about June 26, 1917 (subsequent to our entry into the war), in a publication issued by the Rand School of Social Science and edited by Alexander Trachtenberg, with an introduction by Morris Hillquit under the title "The American Socialists and the War."

Immediately after the sinking of the Lusitania the National Committee of the Socialist party at a meeting held in May, 1915, formulated a new section of the Constitution of the party which was later ratified in a referendum of the membership by a vote of 11,041 for, and 782 against, as follows:

“Article 2, Section 7 —Any member of the Socialist party elected to an office who shall in any way vote to appropriate moneys for military or naval purposes or war, shall be expelled from the party.”

This attempt to weaken our country and render it defenseless and submissive to violence from within and without, was not a negative one merely, for at the same meeting of the National Committee held in May, 1915, following the sinking of the Lusitania, a manifesto was addressed by the Committee to the American people, the concluding paragraph of which is as follows:

“Let us proclaim in tones of unmistakable determination: ‘Not a worker’s arm shall be lifted for the slaying of a fellow worker of another country, nor a wheel turned for the production of man-killing implements or war supplies! Down with war! Forward to International peace and the worldwide solidarity of all workers!’”

In September, 1915, when Von Mackensen was crushing Serbia, when the western front was hopelessly deadlocked and the cause of the allies was almost at its lowest, Lenine, Trotsky, Zinoviev, Rakovsky and Platten organized the Zimmerwald Conference or Congress intended to become a new Internationale, to take advantage of the existing conditions in the various countries at war to bring about the international social revolution. The program, though Mr. Hillquit could not remember it, was admitted by Mr. Solomon to include the general strike (p. 1922) and the Socialist party of America was immediately responsive to the suggestion.

On April 21, 1916, when the situation became critical as the result of the exchange of diplomatic notes with the German government over the use of submarines as a means of warfare the national secretary of the Socialist party of America met with the various translator-secretaries (who are the secretaries representing, under the constitution of the Socialist Party of America, the various foreign language federations and, under the constitution, have their offices in the national office of the party) and drew up a proclama-

tion for dissemination in all foreign languages to the membership of the party. This manifesto closed with the following sentence:

“We suggest and appeal that the workers as a measure of self-defense and as an expression of their power exert every effort to keep America free from the stain of a causeless war even to the final and extreme step of a general strike and the consequent paralyzation of all industry.”

In the year 1916, the Zimmerwald Conference reconvened at Kienthal, in Switzerland, and a manifesto similar to the Zimmerwald proclamation was issued and again the Socialist party of America was responsive to the International program of Lenine and his associates. For the presidential campaign of that year the Socialist party of America prepared its party platform. The United States by the criminal program and acts of the Imperial German Government was being drawn nearer and nearer to the vortex of the terrible conflict. To render this country impotent to protect the national honor and defend the national integrity against persistent and continuing attacks multiplying to an overwhelming degree day by day, to leave this country at the absolute mercy of a merciless and pitiless autocracy which flouted our very national existence, carried on its U-boat warfare within a few miles from our coast, directed its ambassadorial representative domiciled in our national capital to stir up industrial unrest among the workers in our factories and create war between ourselves and our southern neighbors and in a thousand other ways, sought to embroil us in domestic strife and foreign war, the Socialist party of America to render us impotent under these circumstances and to make effective its national program in harmony with the international program of Lenine and his associates wrote into its presidential platform the following language:

“Therefore, the Socialist party stands opposed to military preparedness, to any appropriations of men or money for war or militarism, while control of such forces through the political state rests in the hands of the capitalist class. The Socialist party stands committed to the class war, and urges upon the workers in the mines and forests, on the railways and ships, in factories and fields, by refusing to mine the coal, to transport soldiers, to furnish food or other supplies

for military purposes, and thus keep out of the hands of the ruling class the control of armed forces and economic power, necessary for aggression abroad and industrial despotism at home."

On April 6, 1917, the United States declared war against the Imperial German Government. On the following day, April 7, 1917, the Socialist party of America met in national convention in the city of St. Louis, Mo., and continued in convention until April 14, 1917.

It proceeded to shape the policy of the party with respect to the war just declared. It adopted a war program which began as follows:

"The Socialist party of the United States in the present grave crisis solemnly reaffirms its allegiance to the principles of internationalism and working-class solidarity the world over and proclaims its unalterable opposition to the war just declared by the Government of the United States."

The country, being then at war, called upon the "workers of all countries to refuse support to their governments in their wars." This meant that the workers in the United States were to refuse support to this government in the war. If this support had been denied the demand of the presidential platform of 1916 would have been fulfilled. No coal would have been mined; not a wheel would have turned on a railroad; no troops would have been transported; no munitions would have been manufactured; no food would have been distributed; no supplies of any character would have been produced.

The nation would have been completely at the mercy of its enemies.

As we have already pointed out, the program denied, repudiated and discredited the idea of national patriotism and denied the very idea of duty to the government and national allegiance. Its position on this subject was unmistakably defined in the following language:

"The only struggle which would justify the workers in taking up arms is the great struggle of the working class of the world to free itself from economic exploitation and political oppression, and we particularly warn the workers against the snare and delusion of so-called defensive warfare. As

against the false doctrine of national patriotism, we uphold the ideal of international working class solidarity”

In this war program, the Socialist party of America heeding the demand of international socialism, while its brethren in the majority party of Germany were assisting their government to wage war victoriously against the United States, sought in every way to obstruct and render us helpless and impotent.

Recognizing that if the United States were to be successful in the war, its man power both military and industrial, and all its resources, must be mobilized to make effective resistance to the gigantic military machine which had erupted from the national boundaries of Germany in a vast military body maintained, munitioned and supplied by the militarily organized industries of the German Empire, and recognizing further that a failure on the part of the industrial workers of our nation to sustain and support our military establishment meant the utter failure and defeat of the United States and the victory and success of Germany, in a word realizing to the fullest extent the purposes and consequences of their program, the Socialist party announced its policy of obstruction and resistance in the following language:

“ * * * The Socialist party emphatically rejects the proposal that in time of war the workers should suspend their struggle for better conditions. On the contrary, the acute situation created by war calls for an even more vigorous prosecution of the class struggle, and we recommend to the workers and pledge ourselves to the following course of action:

“ 1. Continuous, active and public opposition to the war through demonstration, mass petitions and all other means within our power.

“ 2. Unyielding opposition to all proposed legislation for military or industrial conscription. Should such conscription be forced upon the people, we pledge ourselves to continuous efforts for the repeal of such laws for the support of all mass movements in opposition to conscription. We pledge ourselves to oppose with all our strength any attempts to raise money for payment of war expenses by taxing the necessities of life or issuing bonds which will put the burden upon future generations. We demand that the capitalist class which is responsible for the war pay its cost. Let those who kindle the fire furnish the fuel.”

In addition to the foregoing war program the party adopted a platform. In that platform it called "upon all workers to unite, to strike as they vote and to vote as they strike — all against the master class."

Only through this combination of our powers can we, said the party, establish the co-operative commonwealth (page 461).

In its immediate program it incorporated the following political demands, among others:

"Resistance to conscription of life and labor.

"Repudiation of war debts" (page 462).

In the same convention of April, 1917, an exceedingly significant and altogether consistent step was taken in furtherance of the war program of the party.

Since 1912 the party had stood committed, under the provisions of article 2, section 6, of its national constitution, against the practice of sabotage. That provision of the constitution was in April, 1917 — after the declaration of war — repealed. In view of the context, consisting of the war program with its pledge to use all means within the power of the members, with the demand for even more vigorous prosecution of the class struggle, with the declaration that the only struggle which would justify the workers in taking up arms, was not the national struggle but the class struggle, the removal of restraint on the use of sabotage becomes significant with sinister meaning. Sabotage is one of the most effective, if not the most effective, method of rendering industrial cooperation not only ineffectual, but impossible. It brings about that condition of national inefficiency and impotency to which the party was pledged to devote itself with unremitting energy, and despite the labored and disingenuous explanations given on the witness stand for such repeal, it cannot be regarded as intended to accomplish any other purpose than to notify the members of the party that even the negative restraint imposed upon them in making effective their program of industrial action had been removed, and they need no further consider themselves hampered thereby. It was a tacit invitation to commit sabotage.

These proceedings of the national convention of April, 1917, were promulgated and made effective by the membership of the party. The war program was sent all over the United States for adoption by the various locals (page 1377). The platform was likewise distributed for consideration of, and vote by the

locals (page 1378). And the repeal of Article 2 (Sabotage) being an amendment of the constitution, was similarly submitted to a referendum vote and adopted.

From this time forward the ranks of the Socialist Party of America began to be depleted to the extent of those who found that Socialism and Americanism were in violent hostility and antagonism and who, placing the interests of the United States above those of the international program of Socialism, found that they could not, consistently with their duty and allegiance as citizens of the United States, remain with the party. From this number, however, the five Socialist assemblymen were conspicuously absent.

As Benson, the party's candidate for President in 1916, said:

"The present foreign-born leaders of the American Socialist Party, if they had lived during the Civil War, would doubtless have censured Marx for congratulating Lincoln.

"For these reasons I now take leave of the Socialist Party a year after I ceased to agree with it. It seemed to me that, having been at the head of the National ticket two years ago, it was particularly my duty to wait and see if the party would not right itself. It has not righted itself. I, therefore, resign as a protest against the foreign-born leadership that blindly believes a non-American policy can be made to appeal to many Americans." (P. 1542.)

In refreshing contrast to the disloyal and treasonable program of the Socialist Party of America is the declaration of the American Federation of Labor passed immediately preceding the declaration of war with Germany.

"In this solemn hour of our nation's life it is our earnest hope that our Republic may be safeguarded in its unswerving desire for peace, that our people may be spared the horrors and the burdens of the war, that they may have the opportunity to cultivate and develop the arts of peace, human brotherhood and the higher civilization, but despite all our endeavors and hopes should our country be drawn into the maelstrom of the European conflict, that with these ideals of liberty and justice herein declared as the indispensable basis for national policies, we offer our services to our country in every field of activity to defend, safeguard and preserve the

republic of the United States of America against its enemies, whosoever they may be, and we call upon our fellow workers and our fellow citizens in the holy name of labor, justice, freedom and humanity to devotedly and patriotically give like service." (Pp. 685-6.)

The Socialist Party of America held no conventions after April, 1917, until September, 1919.

Although the Socialist Party of America held no conventions during the war after the April, 1917, convention its members were not idle. The program of the party was carried into effect by an unceasing deluge of propaganda. Pamphlets by the hundreds of thousands were distributed. They were of the most disloyal and treasonable character. Some of them have been received in evidence and read to the Committee. In the City of New York the daily organ of the Socialist Party published in English, was denied certain privileges under the postal laws. Exhibit 98 consisting of the answer of the Postmaster General to the petition for mandamus to compel him to restore to the New York Call such rights, and to a rule directing him to show cause why such rights should not be restored, contains a few excerpts by date and title from some of the issues of that publication during the period beginning shortly after the war and continuing throughout the same and thereafter. These excerpts fill 60 pages of that answer. (Exhibit 98, pp. 258-312). It would unduly and unnecessarily prolong our exposition of the activities of the party were we to read at this point these articles and pamphlets. It is sufficient to say that if you were to draw upon your imagination to formulate the most vicious, disloyal and anti-American utterances that you could conceive, you would not have imagined or conceived anything comparable in these respects with what was actually published.

It is not surprising, therefore, that in the report of the Executive Committee of the Socialist Party of America to the National Emergency Convention held in Chicago, September, 1919, that we read that some two thousand Socialist in all have been arrested because of their disloyal activities and that some of the foremost leaders of the party are now serving prison terms for carrying out the program and principles of the party. Notable among these violators of the law are Eugene V. Debs, the choice of the party for President of the United States in the year 1920; the national

Executive Secretary Germer; the Editor of the Party Organ, ("The American Socialist") Engdahl; the Secretary of the Young Peoples' Socialist League, Kruse; the following members of the National Executive Committee; Victor L. Berger, Shiplacoff and Clark. Herman Krafft and Wagenknecht, of the National Executive Committee, have served terms in prison. Victor L. Berger, in addition to a sentence of 20 years has four indictments pending against him, besides being refused his seat in Congress; and the number includes Irwin St. John Tucker, one of the party's most prolific writers of propaganda. All the Socialist candidates for Congress in Wisconsin and the state secretary also were under indictment in September, 1919.

To this should be added the statement of the National Executive Committee published in the official bulletin, explaining the reason why no convention was held.

"To have held the convention would have subjected many comrades to persecution and imprisonment" (pp. 1488-1489).

In other words, it was impossible to give expression to or act upon the true doctrines of the Socialist party without running foul of the Penal Law.

Assemblyman Cuvillier. — You have forgotten Mrs. Stokes and Gitlow. I did not want to interrupt you.

Mr. Conboy. — I was only referring particularly in that connection, Mr. Assemblyman, to the candidate of the party for President of the United States in 1920; to the members of the Executive Committee of the Party, and its executive officers. So far as Gitlow is concerned, he has recently been convicted for a violation of the criminal anarchy statute of this state.

In the face of this record of active and continuous opposition and obstruction to the government, during the war, counsel for the five Socialist Assemblymen before this proof was adduced, challenged the existence of it, and declared that if our contention were established there would be nothing for these five men to do but leave the Chamber in humiliation. His language is as follows (p. 103):

"Your last charge I shall refer to, and it is No. 7 — it is the only charge which I consider has any merits. You say: '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 necessaries used in the prosecution of the said war, and did thereby stamp the party and all of its members with an inimical attitude to the best interests of the United States and the State of New York.'

"That is a fairly definite statement of what the framers of this may have considered to be the truth. That is an issue we are quite willing to meet, and I think it will be an issue that they will regret they ever suggested, for we are very certain and positive no proof, no act or declarations of the party, either in its prominent councils or its locals, will be found to verify in the slightest degree that statement."

From counsel's own lips comes the statement that you have made and formulated a definite statement of that charge —

"That is an issue we are quite willing to meet."

More than that he has said:

"It is the only charge which I consider has any merits."

So you need not be concerned as to whether it is or is not a meritorious charge. It is meritorious.

"It is an issue we are quite willing to meet and I think it is an issue which I believe they will regret they ever suggested."

What visions and pictures of patriotic accomplishments by the Socialist party and its members during the war were suggested by that challenge?

"I think it will be an issue that they will regret they ever suggested, for we are very certain and positive no proof, no act or declarations of the party, either in its prominent councils or its locals, will be found to verify in the slightest degree that statement. If this party advocated and urged its members to refrain from taking part in the war in any shape or manner and did affirmatively urge them to refuse to engage even in the production of munitions of war and other necessaries used in the prosecution of war, and did thereby stamp the said party and all its members, and so forth, if that is proven against the party, and these men are members of it, we will have nothing to say except leave these Chambers in humiliation" (p. 103).

Despite the overwhelming proof establishing the charge adduced from the statements of the party itself, the five Socialist Assemblymen have not yet left the Chamber in humiliation.

We have already demonstrated that the object of the Socialist party is to destroy the institutions of the United States and of this State as their contribution to the International Socialist Revolution. This party does not propose to bring about this change by parliamentary means and the use of the ballot because its leaders are aware that it cannot destroy and undermine the patriotism of the majority of the voters of this country. It has become necessary, therefore, to forge a new weapon which offers promise to effectuate the party purposes, and this weapon is industrial organization and is to be used to tie up the arteries of the nation's industries with the general strike and render the sworn officers of this country impotent to perform their constitutional duties and compel them to surrender their legal function into the hands of a militant revolutionary minority guided and controlled by the Socialist party. In short, the purpose is to overthrow what they invariably refer to as the capitalistic system by the establishment of the dictatorship of the proletariat, euphoniously phrased for domestic consumption as the cooperative commonwealth.

At this point I will direct your attention to what occurred during the remarks made by counsel for the five men yesterday afternoon as one of the most complete, frank, unblushing threats of the use of industrial mass action. Under the veil of a simile a threat was employed that if you gentlemen concluded that these five Socialist Assemblymen should not sit in this Chamber as members of this Assembly, a general strike might be called. It was phrased and expressed in this way: He was explaining and illustrating the circumstances under which such a general strike might be employed. Said he: "If a labor party were organized in the United States, and that Labor Party succeeded in securing the election of five members to the Assembly of the State of New York, when those men presented themselves to this body for the purpose of taking their seats herein to accomplish their legislative duties, and a representative of capitalism, owning the Assembly, should say to the five men: 'You cannot sit here,' then they would go home and their adherents, their constituents would, by virtue of the general strike, compel the Assembly to take them in." In the whole literature devoted to the development of this idea, there has been no more frank exposition of the doctrine than that.

It is the proof, sufficient and satisfactory to the point of a demonstration of the charge that has been made in this case, and you can carry the idea still further, Mr. Chairman. Suppose that the five Assemblymen so elected introduced proposed legislation in this body and it were defeated by an overwhelming majority of the membership of the Assembly:

The threat carries itself further. You must not only admit them, but you must take their legislative program and enact it into law; otherwise, the general strike will again be employed, and it can be employed not merely for the purpose of telling you who you shall and who you shall not admit to this parliamentary body, not only what legislation suggested by them you shall and you shall not pass, but it can be utilized in like fashion to impose upon the people of the United States the form of government that the adherents to and expounders of the general strike desire the people to have. No more complete, no more intelligible, no franker exposition of its purposes was ever made than was made to you here yesterday.

This method is not a novel one. The measures taken by the party during the war to oppose and obstruct the government of the United States in all matters relating to the national defense and involving the use of industrial action, to effectuate the purposes already referred to and described, merely carry down to the present days what has been advocated in other generations, in the resolutions adopted by the Brussels Congress in 1868 the following paragraphs are to be found:

“The Congress recommends above all to workers to cease work in case a war be declared in their country.”

“The Congress counts upon the spirit of solidarity which animates the workingmen of all countries and entertains the hope that means will not be wanting in such an emergency to support the people against their government” (page 1478).

In the Stuttgart Conference of 1907 a resolution was adopted concluding with the following paragraph:

“In case war should break out notwithstanding, they shall be bound to intervene for its being brought to a speedy end and to employ all their forces for utilizing the economical and political crisis created by war in order to rouse the masses of people and to hasten the downfall of the predominance of the capitalistic class” (page 1479).

In the manifesto adopted at Chicago in September, 1919, there is a significant paragraph showing that the purposes of the party today are what they have been throughout the war — that the party continues in harmony not only with Lenine's International program, but also in its understanding of the means by which it is to be brought about. These means are in violation not only of our constitutional guarantees, but also of the rule of the majority, the cardinal principle and essential characteristic of democratic government. Minority rule, expressed in the phrase "dictatorship of the proletariat" is to be employed in the supreme effort to make effective the international program.

Towards the end of that manifesto and under the caption, "Workers must take industries", where the explanation is made, that the great purpose of the Socialist party is to wrest the industries and the control of the government of the United States from the capitalists and their retainers, the manifesto declares:

"To insure the triumph of socialism in the United States the bulk of the American workers must be strongly organized politically as socialists in constant, clean-cut and aggressive opposition to all parties of the possessing class. They must be strongly organized in the economic field on broad, industrial lines as one powerful and harmonious class organization, cooperating with the socialist party and ready in cases of emergency, to reinforce the political demands of the working class by industrial action" (pp. 306-7).

"To reinforce the political demands of the working class by industrial action." Now you have had a complete and full exposition of how that is to be accomplished, and what those terms mean.

In like manner the recently adopted preamble to the constitution of the Socialist party states its objective in the following terms:

"The workers must wrest the control of the government from the hands of the master class, and use its powers in the upbuilding of the new social order — the cooperative commonwealth."

The methods to be employed are stated in the following paragraph of this same preamble. This is the preamble adopted as part of the changes of the constitution in the years 1919:

“The Socialist party seeks to organize the working class for independent action on the political field, not merely for the betterment of their conditions, but also and above all with the revolutionary aim of putting an end to exploitation and class rule. Such political action is absolutely necessary to the emancipation of the working class, and the establishment of genuine liberty for all.”

While this political action is considered essential it is also held to be ineffectual and this is made clear by this paragraph which immediately succeeds the one just quoted:

“To accomplish this aim it is necessary that the working class be powerfully and solidly organized also on the economic field, to struggle for the same revolutionary goal; and the Socialist party pledges its aid in the task of promoting such industrial organization and waging such industrial struggle for emancipation.” (pp. 1046-7).

No opportunity is lost by the leaders of the Socialist Party to impress upon the rank and file of that organization that it is impossible to achieve the ultimate triumph of their cause by political action. Every manifesto, every platform, almost every utterance of the Socialist orator carries with it the party mandates that the workers of America should be organized industrially so as to be submissive to the command of a revolutionary leadership. It is for this reason that the American Federation of Labor is subjected to continuous attacks and misrepresentation, its officers vilified and its program declared to be inimical to the interests of the working class. It is for this reason that Debs, who was originally an ardent trade unionist, but who after joining the Socialist Party abandoned and repudiated his former associates, uttered the following sentiment:

“The Trade Union is outgrown and its survival is an unmitigated evil to the working class. Craft unionism is not only impotent but a crime against the workers.”

This is not a recent attitude merely of the Socialist party of America. Its call for industrial action has been insistent from the beginning. At the moment of crisis in the nation's history when war was just declared upon the Imperial German Government this party, in addition to the adoption of the war program

and proclamation which has been heretofore referred to, and in addition to the provisions of the platform then adopted, presented and approved the following resolution:

“ The Socialist Party will ever be ready to cooperate with the labor union in the task of organizing the unorganized workers, and urges all labor organizations, which have not already done so, to throw their doors open to the workers of their respective trades and industries, abolishing all onerous conditions of membership and artificial restrictions, *with the view that their organizations be eventually developed into industrial, as well as militant, class-conscious and revolutionary unions with the development of the industries.*

“ In the face of the tremendous powers of the American capitalists and their close industrial and political union, the workers of this country can win their battles only through a strong class-consciousness, and closely united organization on the economic field, a powerful and militant party on the political field, and by a joint attack of both on the common enemy ” (p. 465).

In furtherance of this plan of industrial organization and action, the following instructions were given to members of the Socialist party in the same resolution:

“ It is also the duty of members of the Socialist party who are eligible in the union to join and be active in their respective labor organizations ” (p. 465).

These quotations from the official pronouncement of the Socialist party show that the party recognizes that only through the employment of industrial action can its objective be attained. The precise meaning of industrial action as understood by members of the Socialist Party was stated by Mr. Algernon Lee under redirect examination on page 580 of the printed record as follows:

“ Q. Are strikes one of the means of mass action which the Socialist party contemplates the use of? A. On occasions where they are suitable for the purposes of the working class, yes, sir.

“ Q. Did you ever hear of any political party advocating the use of strikes? A. Oh, yes.

“ Q. Socialist party? A. Yes.

“ Q. Did you ever hear of a general strike? A. Very often.

“ Q. What is a general strike? A. A general strike means a strike which, if the phrase is used accurately —

“ Q. Let's use it accurately? A. Yes. It means a strike which extends to numerous trades and occupations for some general purposes concerning the interests of the working class movement as a whole.

“ Q. Yes? A. We might call it a general strike without it being absolutely universal. I suppose it would be hard to say just how large it would be to call it general but I think my answer is clear.

“ Q. I think it is too. And in connection with manifestoes and declarations of party principles, the Socialist party refers to political action backed up by industrial action; one of the things that is carried in mind and is indicated by the language used is the use of the general strike; isn't it? A. It might be one of many things carried in mind in that particular connection.

“ Q. And the manner in which you generally intend or assume it may be made effective is to back up political action; isn't that true, Mr. Lee? A. Will you repeat the question?

“ Q. Read it, if you please.

“(Question repeated by the stenographer.)

“ A. That is, it means the general strike?

“ Q. The general strike? A. Very frequently the general strike is used to back up political action, not always.”

“ Q. But it is one of the means in which you contemplate the use or by which you would back up political action? A. It has been used in that way.

“ Q. And it is a part of the program of the Socialist party in the United States to utilize it for that purpose, isn't it? A. If the circumstances should exist, which made that necessary, I take it that it would be construed so.” (Pp. 580-1.)

That the rank and file of the party membership are fully aware of the futility of bringing about a revolution in the United States, and the destruction of its institutions by means of the ballot also is made clear by the utterances of Assemblyman-elect

Claessens in his speech at the Park View Palace November 7th, 1919, when he said (p. 236):

“Now, thank goodness, Socialists are not only working along political lines. If we thought for a minute it was merely a dream on our part, a great political controversy, until we have a majority of men elected, and then by merely that majority, declare the revolution, if any of you smoke that pipe dream, if that is the quality of opium you are puffing now, give it up, give it up.”

That it was the intention of these assemblymen-elect to carry out this part of the party program and to use the political office to which they were elected for propaganda purposes, and to employ seats in this Assembly as a rostrum from which to appeal to the workers, is made clear in the same speech of Mr. Claessens as follows:

“But we are going to the Assembly, and we will tell it to them. There are five of us. Charley Solomon is one. There are others, and I will go myself into the bargain, and we will tell them something. But we won't waste much time in the Assembly, comrades, talking to that bunch which sit there with stolen property, sitting in their seats, but we will use our position with the Assembly, and reach the 'Henry Dubs' and speak to them, and I can assure you, comrades, we won't sleep one night when we are in Albany, but every night we will be speaking in Troy, Schenectady and Amsterdam. Every where around there, arousing the workers wherever we possibly can” (p. 238).

In adopting a program of industrial action involving the use of the general strike, the Socialist party has stripped itself of the mask of political action and stands revealed as a radical, revolutionary, propaganda organization which seeks to bring about on a larger scale the conditions which have been so graphically described by the witness McKay to have resulted in the City of Winnipeg from the same propaganda and from the employment of the same methods and tactics advocated by this party. If the Socialist party is a political party and seeks to achieve social reform by parliamentary means, the program of industrial mass action has no place in its platform or in its pronouncements. We are told by several of the witnesses who have appeared for the

five Assemblymen that industrial action and the general strike were to be employed by the Socialist party only after it had achieved the control of governmental affairs by parliamentary means and that its purpose would be to compel an unwilling and rebellious bourgeois minority to submit to the decision of the ballot box.

The pronouncements of the party with respect to industrial action can have no such interpretation. Without exception they indicate that the industrial action is to be the compelling instrument for wresting the control of government from its present hands and for the establishment of that class dictatorship which they are pleased to call the cooperative commonwealth.

A clear statement of the real meaning of the political action on the part of the Socialist party, is found in a pamphlet issued by the Jewish Socialist Federation, a branch of the Socialist Party of America.

I want to say a word here with respect to the foreign language organizations, because there is apparently a misapprehension as to the extent to which they constitute a part of the organization of the Socialist Party of America.

The Socialist Party of America, under its constitution, provides for the organization of foreign language federations. These foreign language federations are organized for the purpose of gathering together into Socialist groups, or into language groups, Socialists who speak the particular language. They are organized not only under the auspices of, but pursuant to the provisions of the Constitution of the Socialist Party of America. The whole system of administration of such organization is described by the Constitution of the Socialist Party of America. Provision is made therein for a translator-secretary, whose office is to be in the national office of the party; now, or lately, at any rate, in the city of Chicago.

The foreign language federation appoints the translator-secretary, but his compensation comes from the party itself through the Executive Committee, and in a dozen different ways, indicated by the provisions of the Constitution that are pertinent to the organization, in the administration, and control and operation of these foreign-language federations, the party itself exercises absolute control. If the actions of the foreign-language federations are not in conformity with, or violate some of the principles of Socialist administration or organization, they are

denounced and cut off from the main Socialist party, and thereafter, they are an outlaw organization, not permitted to participate in the deliberations of the party itself, and not given any representation in its councils.

Now, the purpose for which these foreign-language federations are organized is manifestly of a propaganda character. Over that propaganda the party itself exercises the control which is manifested through the fact that it has the translator-secretary maintain his office in the national headquarters of the party. It organizes these foreign-language federations for that purpose. Literature is disseminated by them. The party seeks to and does obtain the circulation of this character of literature, for the purpose of publishing and disseminating which the foreign-language federation itself organized.

Now, manifestly, under these circumstances, the Socialist Party of America cannot repudiate that which is done pursuant to the provisions of the organization set up by its own constitution. It creates and organizes these bodies for a definite purpose. They can only accomplish their purpose by publishing and disseminating information in the form of pamphlets and periodicals printed and written in the language spoken by those who are the members of that particular language federation. On the legal principles both of the doctrines of agency, and of employer and employee, in view of the fact that the translator-secretary the man who actually disseminates the literature among the foreign-language membership, is but the employee of the Socialist Party of America itself. I might almost say that doctrine was fortunate, but at any rate there can be no ground upon which the party can attempt to postulate an attempted repudiation of these pamphlets, those articles, that propaganda which the foreign-language federation does put out under the authority that it receives from the Constitution of the Socialist Party of America, and by virtue of an organization which is in conformity to the constitution of that party.

A clear statement of the real meaning of the political action on the part of the Socialist Party is found in a pamphlet issued by the Jewish Socialist Federation, a branch of the Socialist Party of America, and is as follows:

“Consider the question, that so long as the State is an instrument, a tool in the hands of the bourgeoisie in the fight

against the proletariat, so long as the State is the dictatorship of the bourgeoisie, why do the Socialists seek to send their representatives there? Where do Socialists fit into the State? What can they do there?

“Socialists seek to enter into the government for two reasons: First, to be nearer to the doors of the chambers, where dictatorship sits, and second, to hinder the dictatorial work in any way possible. The first reason is the most important. Sitting in Parliament or in Congress, being inside of the government counsels, affords Socialists an opportunity to find out the plans, the strategy of the State. And knowing this they can carry out their propaganda the better. Socialists seek to be elected into the government principally for the sake of propaganda.”

It is unnecessary to carry the discussion at this point any further with reference to the attitude of the party toward strikes of every nature and description which it admittedly and invariably supports and encourages, an attitude reflected in the statement made by Claessens with regard to the Winnipeg strike where he had been (testimony not denied by him, p. 975), and by the occurrence testified to by Inspector McElroy and Lieutenant Ahlers of the New York police force with regard to the conduct of Solomon during the car strike in the summer of 1919 (p. 727).

In short there is complete and satisfactory evidence in the record that in the contemplation of the Socialist Party of America the success of its movement to substitute for the government and institutions of the United States a Soviet form of government with harmonious institutions, can only be accomplished by political action and industrial action, which must be employed as the two strong arms of a wrestler to pull down the structure of our government which has been built and maintained through the inspiration, the toil and the blood of countless loyal citizens of this republic.

Now, I come to the third part of the discussion.

The Chairman.— How long a recess do you want?

Mr. Conboy.— Oh, 15 minutes will be enough.

(Whereupon at 3:45 P. M. a recess was taken until 4 o'clock.)

AFTER RECESS, 4:10 P. M.

The Chairman.— Proceed.

Mr. Conboy.— Before the intermission, Mr. Chairman and gentlemen, I had referred to, among other incidents, the presence of Mr. Claessens at Winnipeg. Some suggestion has been made that in this connection the testimony does not bear out the assertions. On page 975 of the record in the report which was received in evidence, made by Mr. M. J. Driscoll, of a speech made by Claessens at an open-air meeting at East Broadway and Jefferson street, he is reported to have made the following statements:

“ But as I told the firemen in my district, they cannot expect to get anything unless they organize. I mean industrially and politically; and I can see the day when the working people will do that. I have come, a few day ago, from Winnipeg; and I can see the only hope for the workingman is political and industrial organization.”

That testimony has not been denied.

The third element in bringing about the revolution in this country, advocated sometimes directly, sometimes by insinuation and suggestion, is that of violence. The Socialist Party of America, while professing to utilize political action, constantly denies that existing evils or defects may be remedied by such action and insists that such political action must be supplemented by violence, which it advocates, sometimes directly, and at other times by insinuation and suggestion.

In the national convention of the Socialist Party for the year 1908, Victor L. Berger, now under sentence of imprisonment for violation of the Espionage Act, and one of the members at present of the national executive committee, uttered the following words:

“ Comrade Chairman and Comrades: There is a growing tendency not only in this country, but in other countries to deprecate political action. That tendency you can see in Italy and France, even in Germany to some extent, although less there than anywhere else, and in this country. The Syndicalists in Italy fight political action. They call themselves Socialists and are members of the Socialist Party. There is a strong element or was at least in this country doing the same thing, and I have heard it pleaded many a

time right in our own meetings by speakers that come to our meetings, that the only salvation for the proletariat of America is direct action; that the ballot box is simply a humbug. Now I don't doubt that in the last analysis we must shoot and when it comes to shooting Wisconsin will be there. We always make good" (p. 1455-6).

This declaration was explained by Mr. Hillquit as being a prophecy, not a program (p. 1457), but in the following year under date of July 31, 1909, the same Victor L. Berger in the Social Democrat Herald unmistakably proved that he was in favor of the same thing as the program, for this is his language:

"No one will claim that I am given to the reciting of 'revolutionary' phrases. On the contrary, I am known to be a 'constructive' Socialist.

"However, in view of the plutocratic lawmaking of the present day it is easy to predict that the safety and hope of this country will finally lie in one direction only — that of a violent and bloody revolution.

"Therefore, I say, each of the 500,000 Socialist voters and of the 2,000,000 working men who instinctively incline our way, should besides doing much reading and still more thinking, also have a good rifle and the necessary rounds of ammunition in his home and be prepared to back up his ballot with his bullets if necessary" (p. 1459).

On January 12, 1919, at a meeting in the city of Milwaukee presided over by the Socialist Mayor of the city at which other prominent Socialists were present, including one of the counsel for the five assemblymen, William Bross Lloyd, who had then been recently the Socialist Party candidate for United States Senator from the State of Illinois, made a speech in which he employed the following language:

"We know that the readier we are to fight, the bigger army we have got, the bigger navy, the more ammunition, the less chance there is for us to have to fight. So what we want is revolutionary preparedness. We want to organize, so if you want to put a piece of propaganda in the hands of everyody in Milwaukee, you can do it in three or four hours. If you want every Socialist in Milwaukee at a certain place,

at a certain time, with a rifle in his hand, or a bad egg, he will be there. We want a mobilization plan and an organization for the revolution. We want to get rifles, machine guns, field artillery and the ammunition for it. You want to get dynamite. You want to tell off the men for the revolution when it starts here. You want to tell off the men who are to take the dynamite to the armory doors and blow them in, and capture the guns and ammunition there so that the capitalists won't have any. You want to tell off the men to dynamite the doors of the banks to get the money to finance the revolution. You want to have all this ready, because the capitalist propaganda of unpreparedness teaches that if you have it ready, you won't need it, and you won't because if you have that sort of an organization when you get a political victory, and you can get it, the other side will lay down. If they don't you go take their laws, their police and their military and use it against them. Let's see how they will like that. It is bourgeoisie to conspire to commit treason or every crime under the sun. A Bolshevik is a man that don't care whether school keeps or not, so long as the revolution goes on" (p. 1623).

These remarks were characterized as "witty" by one of the Socialist counsel (p. 1623).

The public utterances of three of these five Assemblymen are of the same character.

In September, 1919, at the Chicago convention, Mr. Waldman made the following statement upon the floor of the convention:

"If I knew we could sway the boys when they get guns to use them against the capitalist class I would be for universal military training" (p. 927).

This also was characterized as a "joke" (p. 1866).

The speech made by Claessens on November 7, 1919, at Park View Palace, on the occasion of the celebration of the second anniversary of the Russian Soviet Republic was plainly intended in every line, to demonstrate to his auditors that they could not expect any remedy or relief from existing causes of complaint against the administration of the election laws, or for that matter, the administration of any law, through the orderly processes of law, but only by violence. He asserted that the great mass of the

American people were brutal, bestial and inferior to the Russian comrades of the Socialists; that his auditors had no chance in court with the representative of a crook sitting on the bench (p. 234); that the courts were elected by illegal practices and that judges held their seats by fraud. "If they are not thieves a great many of them are receivers of stolen goods, and you can imagine — you can imagine how much justice you can get from this bunch" (p. 235). There is no American Republic, he declared, it is merely one huge institution based upon fraud (p. 236), and the members of the Assembly steal their seats and sit there with stolen property (p. 238). He summed up his entire argument his arraignment of the American people, the judiciary and this body with the concluding statement that what he had related was "But another reason and argument that proves the necessity of not merely a political victory but a Social Revolution" (p. 238).

It is utterly impossible to attribute any other meaning to the language employed by Oneal at the meeting held on the same evening November 7, 1919, at the Brownsville Labor Lyceum in Brooklyn presided over by Solomon (at which Waldman also was one of the speakers) but that it was an appeal to violence, and a declaration that the revolution could not be accomplished except by the employment of violence (see page 64 of preliminary brief with quotations from pertinent parts of the record).

Not all of the members of the Party and its leaders advocate violence as openly and as frankly as the authors of some of the declarations which we have just considered. The utterances of others as in the case of the Claessens speech of November 7, 1919, contain propaganda of another kind shrewdly calculated to create hatred of, resentment against, contempt for, and resistance to the government, its laws and the administration thereof, and a desire to overthrow and destroy our institutions.

This is an essential part of the revolutionary program and tactics of the party. It is unfortunate for the contention repeated and reiterated throughout the defense of these five men, that the revolution which they advocate is to be accomplished peacefully; that their unanimous choice for President is continually inciting his hearers to a violent destruction of our government, as are they themselves by their own speeches doing.

Messrs. Hillquit, Lee, Branstetter, Waldman, Solomon, Claessens, and every other witness interrogated on the point, declared themselves unqualifiedly in favor of Debs as the candidate of the Socialist Party for President in 1920, because they say

he is the embodiment of the principles of the party and represents in his actions and utterances their own sentiments toward the government and the laws of this nation. In Chicago at the convention held in September, 1919, the party put itself on record as favoring his nomination as the presidential candidate in 1920.

And in that connection it is interesting to note that this man who is the choice of the Socialist Party for President in 1920 is recognized as the leader of and exponent of that group of Socialists in the United States whose ideas are most in conformity with the character of the representation included in the first Congress of the Communist Internationale. The proclamation calling that first Congress, which will be found at page 458 of Exhibit 85, declares "That we propose that in the Congress should participate representatives of the following parties, groups and movements which have the right to full membership in the Third Internationale." And the 33rd group referred to therein is described in this language: "The left elements of the Socialist Party of America, especially that group which is represented by Debs and the Socialist Propaganda Association."

It is therefore pertinent and important to study the acts and attitude of Debs in order to see the purpose and attitude of the Socialist Party and these members of it who are now before the Assembly for examination as to their fitness to legislate for the people of the State of New York.

On June 16th, 1918, in the City of Canton, Ohio, Debs made a speech condemning the government in its prosecution of the war and extolling as martyrs those who had been convicted of wilful violation of the laws of the United States in obstructing the government during the war. He was indicted and convicted under the Espionage Act because of that speech; and counts three and four of the indictment on which he was convicted charged him with having caused and attempted to cause and incited and attempted to incite insubordination, disloyalty, mutiny and refusal of duty in the military and naval forces of the United States and with obstructing and attempting to obstruct the recruiting and enlistment service of the United States. (Debs record, pp. 29 and 40).

The speech constituted the closing event of a convention of the Ohio State Socialist Party. It was delivered from a platform on which no American flag was displayed and in the audience were young men of draft age in large number. It was delivered

at the very height of the great German offense which began March 21, 1918. The day before the drive began the German kaiser declared "The prize of victory must not and will not fail us — no soft peace but one corresponding to Germany's interest." Paris was under bombardment by a new gun of greater range than any previous gun had possessed. The losses sustained by the allies were appalling. The Germans were once more at the Marne and within forty miles of Paris. In their colossal offensive they had taken many prisoners, much territory and enormous booty and were aflame with the ardor of victories which had brought them nearer and nearer to their coveted prey. They were eager for the final spring and believed that the doom of the allied cause had been sealed. The world was gripped with an awful fear. In America a great wave of dread foreboding swept over the public mind. Our armies were being rushed across the sea hundreds of thousands a month, ten thousand a day and the question was whether they had arrived too late. In one intensive movement America was calling upon her men and her resources for a supreme effort to save the allied cause. If we failed, the world would be at the feet of an imperious military master enthroned at Berlin with his satraps in all the capitals.

Just then Debs, representing the party which had issued that most treasonable document, the St. Louis war proclamation and platform, was putting into effect at Canton the teachings of that platform and the precepts of that party.

At a short distance from the place where Debs spoke was the Canton City Workhouse in which were confined Alfred Wagenknecht, Charles Baker and Charles E. Ruthenberg, three men who at a Socialist meeting in the City of Cleveland had delivered speeches against the war and the draft which had caused their conviction for counselling and abetting a violation of the Draft Law, a conviction which was later upheld by the Supreme Court of the United States.

Immediately preceding his address Debs had visited these men in the workhouse. He opened his speech with the statement that he was speaking to and for the working classes and then referred to his visit to the workhouse in the following words (p. 194, Debs record):

"I have just returned from a visit over yonder (pointing to the workhouse) where three, three of our most loyal comrades are paying the penalty for their devotion to the

cause of the working class. They have come to realize, as many of us have, that it is extremely dangerous to exercise the constitutional right of free speech in a country fighting to make democracy safe in the world."

A minute or so later he added (Debs Rec., pp. 194-95):

"They are simply paying the penalty that all men have paid in all ages of history for standing erect and for seeking to pave the way to better conditions for mankind.

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

Then followed the general reference to the Socialist movement, its situation and opportunities, beginning with the sentence, "There is but one thing that you have to be concerned about and that is that you keep foursquare with the principles of the international Socialist movement." (Debs Record, p. 195). The course which he advocated for the members of the working classes in the war between them and what he called the exploiting classes may be illustrated by the following passage which again included a reference to Baker, Wagenknecht, and Ruthenberg (Debs Record, p. 196):

"It is true that these are anxious, trying days for us all — testing days for the women and men who are upholding the banner of the working class in the struggle of the working class of all the world against the exploiters of all the world; a time in which the weak and cowardly will falter and fail and desert. They lack the fiber to endure the revolutionary test; they fall away, they disappear, as if they had never been. On the other hand, they who are animated with the unconquerable spirit of the social revolution, they who have the moral courage to stand erect and assert their convictions; stand by them, fight for them, go to jail or to hell for them, if need be, and — they are writing their names, in this crucial hour — they are writing their names in fadeless letters in the history of mankind.

"Those boys over yonder — those comrades of ours — and how I love them — aye, they are my younger brothers; their very names throb in my heart, and thrill in my veins, and surge in my soul. I am proud of them; they are there for us;

and we are here for them. Their lips, though temporarily mute, are more eloquent than ever before; and their voice, though silent, is heard around the world."

Then followed (Debs Record, 196-203), a picture of the contrast between the patriotism of militarists, junkers, and other types of those so-called "exploiters" and the patriotism of the Socialist working class leaders. Persons named as illustrations of the one group were Theodore Roosevelt, the German Kaiser, various governmental bodies, Wall Street junkers, and of the other group, Kate Richards O'Hare, Scott Nearing, and others. The reference to Kate Richards O'Hare (Debs Record, pp. 200-01) was as follows:

"Let me review another bit of history in connection with this case. I have known Kate Richards O'Hare intimately for twenty years. I know her record by heart. Personally, I know her as if she were my own younger sister. All who know her know she is a woman of absolute integrity. And they know, too, that she is a woman of courage, and they know that she is a woman of unimpeachable loyalty to the Socialist movement. When she went out into Dakota and made her speech, followed by plain-clothes men in the service of the Government intent upon encompassing her arrest and her persecution and her conviction — when she was out there, it was with the knowledge that sooner or later they would accomplish their purpose. She made a certain speech, and that speech was deliberately misrepresented for the purpose of securing her conviction. The only testimony against her was that of a hired witness. And when thirty farmers, men and women who were in Bismarck to testify in her favor, to swear that she had never used the language she was charged with having used, the Judge refused to allow them to go upon the stand. This would seem incredible to me, if I had not had some experience of my own with a Federal Court."

The statement of Debs in his Canton speech as to the conviction of Kate Richards O'Hare is a characteristic utterance of this Socialist leader and is a notable instance of the method and tactics of the Socialist propaganda in arousing hatred toward the government of the United States by false assertions to the effect

that all government agencies are banded together for the persecution and oppression of the working classes and that there is no such thing as honesty and justice in the United States, and that nothing can be gained by reform in our present system of government, but that the whole thing must be overthrown by a revolution in which the capitalist class and the government itself, which is the instrument of the capitalist class, shall go down together. He said in that speech that Kate Richards O'Hare was convicted for words that she didn't utter, the speech being deliberately misrepresented for the purpose of securing her conviction and that the only testimony against her was that of a "hired" witness and that when thirty farmers—men and women who were in Bismarck to testify in her favor, to swear that she never used the language, the Judge refused to allow them to go upon the stand. We have the Kate Richards O'Hare record in evidence, Exhibit 112, from which it appears that Mrs. O'Hare, who was chairman of the Committee on War and Militarism in the Convention of April, 1917, was indicted and tried at Bismarck, North Dakota, for uttering certain language in a public speech at Bowman, North Dakota, which had as its purpose the discouraging of enlistment and obstructing the prosecution of the war by our government. She was charged with saying in substance that "any person who enlisted in the Army of the United States for service in France would be used for fertilizer and that is all that he was good for, and that the women of the United States were nothing more or less than brood sows to raise children to get into the army and be made into fertilizer." (See p. 2 of O'Hare record).

Instead of being convicted upon the testimony of a single witness, some hired informer—she was on the contrary convicted on the testimony of five or six witnesses who heard her speech. These witnesses were farmers—residents of the locality—and a physician and instead of being denied the right of having anyone swear in her own behalf as Debs had stated, the defendant herself and eight other witnesses were heard who testified that they listened to that speech and she did not use the words complained of. She was convicted by a jury and her conviction was affirmed upon appeal.

Debs, however, pictured to that crowd on that June day a situation which was naturally calculated to impress his hearers with the belief that the government of the United States was a monstrous engine of oppression and that its courts were tyrannical

and horrible engines of despotic tyranny. He lauded the three young men who were in the penitentiary within sight of the meeting as martyrs to the cause of the working class. They had been convicted for aiding and abetting disobedience to the law governing registration of young men of military age.

Debs' conviction was affirmed unanimously by the Supreme Court of the United States, March 10, 1919. (Debs vs. United States, 249 U. S. p. 211.) The conviction of Ruthenberg was also affirmed by the United States Supreme Court (245 U. S. 480).

The attention of the Committee is earnestly invited to the opinion of the Supreme Court in the Debs case, and particularly because of the reference in it to the anti-war proclamation and program of the Socialist Party adopted in St. Louis in April, 1917. That historic document was introduced in evidence in the Debs case because Debs had expressed his approval of it to witnesses who were called on the Debs trial. It was received as proof of Debs' attitude of disloyalty toward the government and his disloyal intent and purpose in delivering the speech at Canton in June, 1918, for which he was convicted. In respect to the anti-war proclamation aforesaid, the Supreme Court says at pages 215 and 216 of the report which will be found in Volume 249:

“There was introduced also an ‘Anti-war proclamation and program’ adopted at St. Louis in April, 1917, coupled with testimony that about an hour before his speech the defendant had stated that he approved of that platform in spirit and in substance. The defendant referred to it in his address to the jury, seemingly with satisfaction and willingness that it should be considered in evidence. But his counsel objected and has argued against its admissibility, at some length. This document contained the usual suggestion that capitalism was the cause of the war and that our entrance into it ‘was instigated by the predatory capitalists in the United States.’ It alleged that the war of the United States against Germany could not ‘be justified even on the plea of American honor.’ It said: ‘We brand the declaration of war by our government as a crime against the people of the United States and against the nations of the world. In all modern history there has been no war more unjustifiable than the war in which we are about to engage.’ Its first recommendation was, ‘continuous, active and public opposi-

tion to the war, through demonstrations, mass petitions, and all other means within our power.' Evidence that the defendant accepted this view and this declaration of his duties at the time that he made his speech is evidence that if in that speech he used words tending to obstruct the recruiting service he meant that they should have that effect. The principle is too well established and too manifestly good sense to need citation of the books. We should add that the jury were most carefully instructed that they could not find the defendant guilty for advocacy of any of his opinions unless the words used had as their natural tendency and reasonably probable effect to obstruct the recruiting service, etc., and unless the defendant had the specific intent to do so in his mind."

At his trial, Debs addressed the jury and among other things, said: "I have been accused of obstructing the war. I admit it. Gentlemen, I abhor war. I would oppose the war if I stood alone."

With respect to his coupling an abhorrence of war in general with his statement of obstructing the war in which we were engaged, the Supreme Court says at pages 214 and 215 (and this remark is applicable to much of the testimony of the witnesses upon this proceeding who attempt to justify their statements with reference to the war on the ground that they are opposed in principle to all kinds of wars):

"The statement was not necessary to warrant the jury in finding that one purpose of the speech, whether incidental or not, does not matter, was to oppose not only war in general but this war, and that the opposition was so expressed that its natural and intended effect would be to obstruct recruiting. If that was intended, and if, in all the circumstances, that would be its probable effect, it would not be protected by reason of its being part of a general program and expressions of a general and conscientious belief."

We will not take further time with Debs, although the attention of the Committee might profitably be given to the address delivered by him March 12, 1919, at a Socialist rally at Cleveland quoted at page 427 of the present record in which you will remember he says: "With every drop of blood in my veins, I despise their laws and I defy them," and in which he said: "I am going

to speak to you as a Socialist, as a revolutionist and as a Bolshevik, if you please."

I think at this point I might make some allusion to the testimony with respect to the attitude of the party on the question of conscientious objection. You will remember that, with Mr. Hillquit upon the stand, the statement was made that Socialists were not pacifists. All the declarations of the party itself would indicate that in the class struggle, which they declare is the only struggle in which they should be interested, arms might be taken up. That is not a declaration consonant with, or in conformity to, the attitude of a pacifist; but in this war they did attempt to make a claim that, by virtue of membership in the Socialist party of America, they came under the category of conscientious objectors. You will remember, gentlemen, the exemption blank prepared, in which the claim was set forth that "the Socialist party of America was an organization or sect"—the words of the Selective Service Act itself are "religious sect or organization"—"well-recognized on the 18th day of May, 1917"—the day on which the Selective Service Act became law—"whose creed forbade its members from participating in war." Mr. Hillquit denied that any such exemption blank was authorized as an official act of the Socialist party of America. The fact remains that the record shows that one thousand of these blanks were printed and that the bill for them was rendered to the Socialist party of America at its national office. The record does not show who prepared them, who ordered them nor whether the bill itself was ever paid by the Socialist party of America. There is correspondence between Mr. Kruse, and, I think, Mr. Trachtenberg on the subject of the preparation of a form which could be utilized, or a compilation of utterances of the party, which might form the basis of a claim that the party itself was an organization whose creed forbade its members from participating in war.

Whether that is or is not sufficient for this Committee to make a determination upon in this respect is a question and upon it I do not believe that I am called to express any opinion. It is significant, however, that in the case of one of these Socialist Assemblymen, Waldman, a claim for conscientious objection was made by him on the occasion when he was required to attend before his local board for the purpose of submitting to physical examination, and in that respect I may state for the information of the members of the Committee, many of whom are probably

familiar with the practice as it then obtained, that under the first draft the local board sent notice to the registrants to attend before the board for the purpose of being physically examined to ascertain whether they were physically qualified to render military service. At the time the inquiry was also put to them whether they had any grounds for exemption to the draft and they there and then stated grounds for such exemption. That was the practice prescribed by the old rules and regulations drawn up after the adoption of the Selective Service Act and which were subsequently superseded by the Selective Service regulations which went into effect on the 15th of November, 1917. Now, the act itself permitted those only to be classified as conscientious objectors who belonged, as I have said, to a religious organization or sect, recognized as such on the 18th day of May, 1917, with a creed or set of principles then in existence, under the provisions of which members thereof were forbidden to participate in war. You will recall Mr. Waldman, although he admitted making claim for exemption, was unable to inform the Committee what the nature of the grounds were upon which he based that claim. I think that with the evidence before you, and I presume you will take judicial notice of the statute of the United States upon the subject, you must conclude that some statement was made of his reasons for making such claim of conscientious objection at that time, and that claim must have been phrased in the language of the Act — and fortified by such evidence as would be required to satisfy the statutory requirements. Inasmuch as he did not belong to any religious sect or organization having a set of well recognized principles and creed on the 18th day of May, 1917, upon which he could claim he was a conscientious objector, it seems to me that the inference is almost irresistible that he, in harmony with those who were to participate in the use of the one thousand blanks that had been prepared and supplied to the National Committee in Chicago and in accordance with the intent to formulate a statement of the pronouncements of the party which would be made the basis of a claim of this character, based his claim upon these grounds.

Assemblyman Cuvillier.— I can tell you this, Mr. Conboy: that can be obtained from the Adjutant-General's office.

Mr. Conboy.— Unfortunately, that cannot be obtained for the reason that all records were sent to Washington and are now under jurisdiction of the Adjutant-General of the Army,

and the Secretary of War has ruled that the contents of the draft record of each individual who is registered under the draft are inviolate and that the contents thereof will not be divulged. We must, therefore, draw our inferences from the nature of the act itself, and I think that the inference I have attempted to draw is the only reasonable inference.

Assemblyman Cuvillier.— The Secretary of War has issued an order for the publication of the names of all men who evaded the draft.

Mr. Conboy.— Yes.

Assemblyman Cuvillier.— That is what I am after.

Mr. Conboy.— The position taken by Debs is the position of the party. The acceptance of the program promulgated by Lenine and Trotzky through the instrumentality of the Third Internationale at Moscow is a program of force and violence. It is this program that the Assemblyman-elect Louis Waldman in his speech of November 7, 1919, unqualifiedly supports and approves. I have already emphasized that the document known as the Manifesto of the Moscow International exhorts the proletariat of all lands including the United States of America to disarm the bourgeoisie at the proper time and arm the laborer. This is no peaceful revolution, but means force and violence.

We have been told by the witnesses for the five Assemblymen that in the Socialist conception revolution is a peaceful process like the turning of a well-oiled wheel. They admit, however, that it is necessarily accompanied by the unfortunate corollary of violence.

The words of James Oneal, which will be found in the record, contained in the speech made by him at the Brownsville Labor Lyceum, on November 7th, 1919, so heartily approved by Assemblyman Solomon, are as follows:

“ But, they say, that there has been violence in Russia. Some violence in a revolution! Just imagine! Do they think a revolution is a pink tea party, for men and women to gather around the table and say, ‘ Now, let us have a revolution. Have a drink with me. Let us have a drink. Let us drink to the success of the revolution.’ — and then you go out and slap a Bolsheviki on the wrist, and say, ‘ Please depart; we want a little revolution! (Laughter.) Is that the way you have a revolution ?

“Every tremendous appeal in the world’s history that has brought about new institutions, every great revolution, the French Revolution, the American Revolution, the Russian Revolution — all such revolutions have been accompanied with more or less violence, and it is impossible to dispense with it * * *” (pp. 413-14).

Lenine himself has made no secret of the fact that in his judgment the social revolution is to be accomplished by violence and points to the Russia of 1917-1918, not only as an illustration of the manner in which it must be accomplished but also as proof that the fulfilment of the Marxian theory itself, the ending of the class struggle can be brought about in no other way. This is not the view of an unbalanced and irresponsible firebrand, for Mr. Hillquit himself informs us that he “can testify particularly as far as Lenine is concerned, that he is a very sober and very moderate thinker and social worker, and by no means the irresponsible firebrand he is represented to be by the non-Socialists and the press” (p. 1467).

Lenine in his “Soviets at Work,” as printed and issued by the Rand School of Social Science, declares that “every great revolution and especially a Socialist revolution even if there were no external war is inconceivable without an internal war with thousands and millions of cases of wavering and of desertion from one side to the other and with a state of the greatest uncertainty, instability and chaos” (pp. 1468-69).

It is impossible within the reasonable limits of this discussion to refer to all the places in the record where this thought is repeated. They can all be summed up in the following from the publication on Bolshevism by the Jewish Socialist Federation of New York, one of the organizations, as I have heretofore explained, created and maintained under the provisions of the constitution of the Socialist Party of America for the purpose of spreading the propaganda of the party among those members who are not acquainted with the English tongue, but must be instructed in Yiddish, an organization that having been created for this purpose cannot be repudiated and disavowed by those who initiated its activities in order that they might profit by them.

“Revolution is war, civil war, one class wars on the other for power, and as surely as the war cannot be conducted on sound democratic maxims, neither can a revolution be

conducted in a democratic manner. And the revolution in Russia has not ended yet.

“The class struggle in time of revolution, says Lenine, has always assumed the inevitable form of a civil war, and a civil war is unthinkable without destruction, without terror and without the elimination of democracy. One would have to be a sickly sentimentalist not to understand or comprehend this” (p. 217).

It is necessary to look into the propoganda carried on by the Socialist party of America in languages other than English to find the real sentiments of the party frankly expressed, in refreshing contrast to the evasive and hypocritical sentiments expressed on the witness stand in this proceeding by the Assemblymen-elect and their chief witnesses, whose transparent purpose was to throw the dust of political and parliamentary and inoffensive acts into the eyes of this committee and the correspondents of the newspapers represented in this Chamber.

With respect to the book, from which the foregoing quotation was taken, we call attention to the fact that counsel for the Assemblymen succeeded in creating the impression that this volume was but a statement of the various contentions in support of and against the dictatorship of the proletariat. Thereafter a translation of the entire book was made and introduced in evidence, from which it appears beyond all question that the argument against the program was stated only in order that it might be answered and refuted and that the volume itself is devoted in its entirety to an argument in support of a dictatorship of the proletariat to be accomplished by means of a violent revolution.

Stress has been laid in defense of the Socialist position that the party has recently purged itself of all elements advocating violence. It presents itself before this Assembly as a mild mannered party seeking political reform, advocating humanitarian principles and practices, abhorrent of the idea that it should be identified and confused with the Communist party of America. The public has come to understand the purposes, the objects and method of the Communist party through the prosecution and conviction and deportation of its members. The Socialist party of America, masquerading as a right wing of the Socialist movement, has won the confidence, support and sympathy of some learned and distinguished advocates.

At this point it is necessary to remind the Committee that Morris Hillquit stated in an open letter published in the New York Call on September 22, 1919, as follows (p. 350):

“The split in the ranks of American Socialists raises an interesting question of policy. What shall be the attitude of the Socialist party toward the newly formed Communist organization?”

“Any attempted solution of the problem must take into account the following fundamental facts:

“First: The division was not created arbitrarily and deliberately by the recent convention in Chicago. It had become an accomplished and irrevocable fact many months ago and the Chicago gatherings did nothing more than recognize the fact and give the divergent movements concrete form and expression.

“Second: The division was not brought about by the differences on vital questions of principle. It arose over disputes on methods and policy and even within that limited sphere it was largely one of emphasis rather than fundamentals. The division within the ranks of American Socialism is an echo but by no means a reproduction of the Socialist movement in Europe.

“Third: The separation of the Socialist party into three organizations need not necessarily mean weakening of the Socialists even though in a moment of destructive enthusiasm they have chosen to discard the name which stands for so much in the history of the modern world. They are wrong in their estimate of American conditions, their theoretical conclusions and practical methods, but they have not deserted to the enemy. The bulk of their following is still good Socialist material, and when the hour of the real Socialist fight strikes in this country, we will find them again in our ranks.” (P. 350-51.)

In a speech in the Brownsville Labor Lyceum, reported in the New York Call of September 22, 1919, Claessens made the following statements regarding the Socialist Party and the Communists:

“There is little real difference between the Socialist Party and the Communists. We want to get to the same place, but we are traveling different roads. The reason that they

are being raided and we unmolested is not because we are considered more conservative, but because we are more powerful than those little groups." (P. 1141.)

The oneness of purpose, the unity of design between the Communist elements and the Socialist party could not be more clearly demonstrated than by the letter addressed to all Socialist locals by Walter M. Cook, acting on behalf of the State Executive Committee of the Socialist Party in this State, and which is unchallenged and unexplained by the Assemblymen-elect, or their counsel. This letter is as follows (p. 811):

"New York State Committee, Socialist Party, Room 311, Dolan Building, 467 Broadway, Albany, N. Y.," at the top, "Walter M. Cook, Secretary," and on the left-hand side, "Rochester Communist." Dated September 29, 1919.

"To all Socialist Party Locals, State of New York:

"Dear Comrades.—It has come to the attention of the State Executive Committee that a situation has developed in various sections of the State wherein members of the Communist labor parties, have been nominated for public office on the Socialist Party ticket.

"It is imperative that the working class shall stand as a unit in its struggle against the capitalistic class.

"You are urged to go forward with your campaign just as vigorously as ever regardless of the makeup of the ticket at the present moment. Whatever the personnel of the ticket may be, you will be voting for the Working Class and Socialism. Let us prove our devotion to the slogan, 'Workers of the World Unite! You have nothing to lose but your chains. You have a world to gain! Forget the personalities and wage the strongest campaign we have ever yet put up.'

"Yours for Socialism,

"State Executive Committee, Socialist Party,

"Walter M. Cook, Secretary."

This letter shows clearly that the Socialist Party is willing to overlook slight differences of opinion with its proletarian comrades, but stands ready to cooperate with and work for all elements which have as their objective the destruction of our form of government and the seizure of the power by the propertyless

class. Violence and force are to be utilized whenever expedient; the passions of audiences are to be inflamed, their cupidity and envy stirred and every means lawful and unlawful, honest and dishonest, known to unprincipled men, every method that human ingenuity can devise offering prospect of success is to be utilized and is within the contemplation of the Socialist Party of America in accomplishing the destruction of our government and the establishment of the International Socialist revolution.

It is unnecessary to dwell at length in this statement on the fact that the political action of the party is responsive only to the dues-paying membership and that those who are elected to office are bound to follow the dictates of such membership and their compliance is compelled by drastic and comprehensive provisions in the constitution of the party.

The pertinent provisions in the party constitutions have been comprehensively considered and discussed in the preliminary brief already furnished to the members of the committee.

Since that brief was written, Mr. Branstetter, the National Executive Secretary of the Party, has testified that sections 1 and 2 of Article 8 of the State Constitution, printed at page 1076 of the printed record, is still a recognized principle of the Socialist Party, those sections being as follows:

“Section 1. All candidates for public office or appointees for public office selected by the dues-paying membership of the Socialist Party of the State of New York or any of its subdivisions shall sign the following resignation blank before nomination is made official, or appointment is made final.

“Form of resignation. Section 2. Recognizing the Socialist Party as a purely democratic organization in which the source and seat of all powers lie in the dues-paying membership, as an elected (or appointed) official of the party it shall be my duty to ascertain and abide by the wish of the majority of the dues-paying members of my local or political subdivision.” (P. 1546.)

Though an effort has been made to create impressions that such resignations are not required to be signed and have become obsolete a communication over the signature of the executive secretary of the national organization dated August 25, 1916, indicates that the requirement for the execution of a resignation blank had certainly not become obsolete at that time even under the practice

of the Party nationally. The pertinent portion of the letter is as follows:

“Candidates of the Socialist Party for public office are supposed to sign resignation blanks so that they may be recalled for cause. We maintain that in having such control over our candidates they will adhere more strictly to the program of the Party and render more efficient service to society.” (P. 1939.)

It must not be forgotten that the state constitution contains another affirmation of the same principle that a public officer belonging to the Socialist Party must obey in his official acts the instructions of the dues-paying members in the following language providing that a member may be expelled:

“For failing or refusing when elected to a public office or while acting as a delegate to an official party convention 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.” (P. 155.)

Be it remembered also that it has been declared under oath by several Socialist witnesses that it is the intention of the party to revise its constitution from time to time in order to keep it up to date. The State Constitution containing these provisions has been revised every two years since 1900, the last revision being in 1918.

It is of not so much importance whether written resignations are actually signed or not, the vicious and unlawful thing is the agreement on the part of the elected or appointed official to obey in his official action the dictates of the dues-paying members of his organization. Such an agreement violates the essential principle of lawful, official conduct which calls upon the citizen who occupies an official position to discharge the duties of his office according to his own best judgment. That is the form of the oath itself which is taken by public officers under the constitution of this State. A person elected to this Chamber is required to declare under oath before he assumes his office as a member of Assembly that “I will faithfully discharge the duties of the office of Assemblyman according to the best of my ability.” This oath cannot be carried out if the member subordinates his judgment on pending measures to the dictates of an extra-legal junta, commit-

tee, or organization, irresponsible to the law. To make such an agreement has been held in *People vs. Squires*, 20 *Abbott's New Cases*, p. 368, to be a criminal conspiracy.

Under these provisions of the Socialist party constitution these five Assemblymen present themselves at the door of this chamber not as the representatives of the thousands of voters who cast their ballots for their election, but as proxies for a small group of dues-paying members in no case exceeding 600 in number, many of whom are aliens, some of whom are minors, all of whom are disloyal.

It is no defense to the disqualifying nature of this agreement to say that in previous terms some of the Socialist Assemblymen have not been ordered to vote in a way contrary to their own individual judgment. Such agreements, contravening public policy are held to be illegal not by what has been actually done under them, but because of what might be done under such agreement. The citation of authorities upon this proposition is unnecessary because the law is familiar to every member of this committee.

I submit that it has been abundantly established, by the overwhelming mass of testimony presented to this committee, not only to the extent of the preponderance of the evidence, but, in view of the fact that it is from the declarations, proclamations, manifestoes, pronouncements and utterances of the party itself, its leaders and these Assemblymen and their witnesses, beyond a reasonable doubt that the Socialist Party of America is in harmony and accord with the radical revolutionary Socialists in all the countries of the world, to bring about a social revolution in this country as part of the international social revolution. That in accordance with the principles, program and tactics of worldwide radical revolutionary socialism, it is seeking to weaken and make defenseless the government of state and nation against the attacks of foreign and domestic enemies by every unlawful means known to a resourceful, disloyal and anti-American organization inspired and led by the experienced radical revolutionary Socialists of the world.

Now I come to deal with certain acts, conduct and declarations of these individual members of the Socialist Party who are the subjects of this investigation, establishing their unfailing obedience and submission to the dictates and program of their organization, and the complete approval of the principles and revolutionary object of the International Socialist movement.

In the analysis of the evidence presented to this committee it has been sought to make clear not only that the objective of the Socialist Party of America is the establishment of a so called cooperative commonwealth in this country but also that it seeks to attain its end by unlawful means. We have had occasion at appropriate places to refer to the utterances of several of the assemblymen under investigation, but it seems wise at this point to review the evidence which has been presented with respect to each of them and particularly to recall their answers under cross-examination with respect to the vital question at issue. The purpose of this review is not to establish individual guilt but to demonstrate that these five assemblymen seek seats in this assembly in order that they may do their part in carrying out the program laid down by their party, and assist in the realization of its principles. It cannot be denied that each of the Assemblymen-elect who has taken the stand in his own justification has clearly established his unqualified support of and submission to the will of his party.

Mr. Waldman was a native of Ukrania and became a naturalized citizen of the United States in January 1915. It was then that he took the solemn oath of allegiance to this country in these words:

“I solemnly declare upon oath that I will support the Constitution of the United States and I do absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, particularly to the Czar of Russia of which I was before a citizen or a subject, and that I will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.”

Two years after Mr. Waldman had taken this oath the United States was drawn into the maelstrom of the European conflict and the citizens of this country were called to the high privilege of national defense. In this solemn hour of national crisis the Socialist party adopted its war proclamation and program which has here been discussed. Mr. Waldman testified on the stand that he approved this declaration and that he accepted it. He admitted that this program called upon the workers to refuse to support their government in this war but fails to see any inconsistency

between this demand and the provisions of his naturalization oath in which he agreed to defend the Constitution and laws of the United States against all enemies, foreign or domestic and to bear true allegiance to the same.

It will be borne in mind that prior to the declaration of war upon Germany by the United States the continued acts of wanton aggression against the citizens of the United States by Germany on the high seas and the interference by agents of that Empire in the domestic affairs of this country for a long period threatened to draw this country into the conflict.

It was direct contemplation of war with Germany that led this assemblyman-elect to sign an anti-enlistment pledge in the following terms:

“ I, being over eighteen years of age, hereby pledge myself against enlistment as a volunteer for any military or naval service in international war, offensive or defensive, and against giving my approval to such enlistment on the part of others.”

Upon being asked when he had signed this pledge Mr. Waldman stated that his best recollection was that he signed this sometime in the early part of the year 1916, at least one year after he had taken his oath of allegiance to the United States, (p. 1825). He saw nothing inconsistent between the terms of this pledge and his oath of allegiance. In contrast with this stand the provisions of the St. Louis War Proclamation of the Socialist Party, were called to the attention of the witness, as follows:

“ The only struggle which would justify the workers in taking up arms is the great struggle of the working class of the world to free itself of economic exploitation and political oppression, and we particularly warn the workers against the snare and delusion of so-called defensive warfare.”

The witness was asked (page 1796): “ Did you at any time ever protest against the sentiment expressed in the language that I have just read to you. A. I have not—this taken in connection with the rest of the resolution.”

Mr. Hillquit well said that the Socialist Party was not a pacifist party. It will not be necessary to review in detail the evasive responses made by Waldman to questions respecting the various provisions of the war proclamation of the Socialist Party, its various platforms and pronouncements; that evidence is before

you; you have had the opportunity to observe him on the witness stand; it is for you to judge whether his answers were frank, clear cut and responsive. It is for you to determine whether the witness before other audiences has shown the same care, caution and solicitude to impress upon his auditors the innocuous, vacuous and wholly innocent meaning of words and declarations which to ordinary minds carry an unmistakable message of disloyalty, contempt for American institutions and treasonable purposes. It is this witness, who, having just been chosen to represent a district in an American legislature, eagerly participated in a meeting called for the purpose of celebrating the second anniversary of the Russian Revolution. It is this witness who urged his hearers to join the Socialist movement in America if they revered their Russian comrades, if they applauded Lenine and Trotzky, if they believed in the worthiness of their cause, in the accomplishment of their work in order to make America more like Russia is to-day.

Bearing in mind that at the time of uttering this speech the Socialist Party had already committed itself to an alliance with the Third Internationale under the leadership of Lenine and Trotzky at its National Emergency Convention held at Chicago in September, 1919, the real meaning of this plea cannot be clouded by the statement of this witness to this Committee. He was not satisfied to express his admiration for the Russian regime, but must needs convince his hearers that there were but two courses of action open to them. He presented but two alternatives. "We must select between two alternatives, either Russia lives and conquers the world (at this point he remembered that there was some government representative sitting in his audience recording his utterances, so he hesitated a moment and said): "Not Russia conquers the world, but its ideas and philosophy, worthy of the Russian Government to-day should conquer the world—either that or the ideas and the philosophy of Gary and Wilson and Palmer, Lloyd George and Clemenceau is to conquer the world. Between the two, for my part and for the part of thousands of Socialists now battling in America to-day we choose to stand by the ideas and philosophy and program and principles of Lenine and Trotzky as those we approve."

Before an audience of his own kind Waldman has given expression to his real meaning and real purpose. It is to the program of Lenine and Trotzky that this Assemblyman-elect has committed himself. You have before you in detail that program. It is set

out in clear and unmistakable terms in the Manifesto of the Moscow Internationale which has been offered in evidence bearing the signature of Lenine and Trotzky.

I might pause at this point to ask you gentlemen upon this committee to bear with me for a moment in the development of a thought which must naturally have occurred to every one of you. In 1909 that young man came to our shores. He was unable to speak English. I do not know what his financial condition was. It was probably not very good because of the character of the occupations in which he was obliged to engage shortly after he came here. We welcomed him, and we placed before him, to such extent as they were available, the institutions, and gave him the protection and the opportunities afforded by the laws of this country and of this State. He took advantage of them to the fullest extent.

In seven years after this non-English speaking young man had arrived here, he had qualified himself, by a course of study in an institution established by a capitalist named Peter Cooper, for the profession of civil engineer, and had received a degree of Bachelor of Science in Civil Engineering from that institution. He, in the same year, received an appointment from the municipal administration of the City of New York in its Bureau of Tunnels, Engineering department. In the following year, the year 1917, when he had been in the United States only eight years he was elected a member of the Assembly of this State. He admitted upon the stand that no obstacle had been placed in the way of his development and the realization of his ambitions by the government of this state or the government of the United States. He accepted what he could obtain. No one blames him for it. Everyone commends the extent to which he had availed himself of the opportunities that were offered. He was not only permitted but authorized to utilize them to the fullest extent. Such resentment as does lodge itself in the minds and the hearts of Americans is that this young man, typical of the other members of his party, is willing at all times to accept the sacrifices of blood and treasure, poured out unstintedly by the balance of the American people, but will never raise his hand or pay one cent in support of the institutions of the Government of the United States, but is pledged to deny his support to such institutions.

I ask you, Mr. Chairman and gentlemen of the Committee, to read with care the provisions of that program and compare them with the utterances of the various leaders of the Socialist Party

in America, their official pronouncements and such utterances of these Assemblymen-elect as have come into our hands, and I ask you if the latter are not in full accord with that program. Can it be said that a man who had boldly and openly asserted his allegiance to such a program can at the same time solemnly pledge himself to support the Constitution of the United States and of the State of New York! Such a presumption is inconceivable. The Assemblyman-elect Waldman has spoken merely as the mouthpiece of his party; the Assemblyman-elect Claessens, in different language, but with equally clear intent expressed himself as committed to the program of the Russian proletariat involving the destruction of American institutions, American ideals and the democratic form of government created by the founders of this republic. The evidence shows that Assemblyman Claessens sat upon the same platform with one Alexander Trachtenberg while the latter urged upon his hearers the lessons to be drawn from the Russian revolution. I quote his words:

“ It seems to me as it seems to the Socialists of America that this establishment of the workers’ government in Russia proves one thing, that if the workers are organized, organized politically and economically, and organized in a way we have to understand not only their immediate conditions, not only their immediate requirements, but understand the great purpose of an organized labor movement, with them to understand the great mass of the working class and what they have to perform in this world — then we can have not only a Soviet Russia, but a Soviet government in England, Germany, and a Soviet America just as well ” (p. 271).

It was in response to this declaration by Comrade Trachtenberg that the Assemblyman-elect Claessens said:

“ Yes, as Comrade Trachtenberg said, when we read and when we hear these things, we immediately begin to grasp the significance of what Socialists call the social revolution ” (p. 229).

You have seen the witness on the stand; you have heard his attempt to justify his declarations on the plea that they were uttered under the strain of great emotion, occasioned by a political campaign, but it must be observed that without exception his words reflect with unerring fidelity the official pronouncements of his

party as they have been presented to this committee upon this investigation. The nervous strain he labored under at that time did not cause him to forget a single argument which would stimulate in the minds of his hearers a contempt for their fellow citizens, and an abhorrence of their institutions and undermine their confidence in the administration of laws in this great commonwealth. Nor did he forget his allegiance to the Soviet regime of Russia, for he seized every opportunity and every trick of eloquence to impress upon his hearers that the ignorant, deluded and coerced mujik of the steppes of Russia was a nobler creature, a more enlightened being than our own citizens, the great mass of whom it pleased him to describe as bestial. I do not wonder that Mr. Hillquit saw fit on direct examination to call the witness' attention to the fact that one less speech on his part would not be a loss to this community. If the committee is to believe the modest protestations of these Assemblymen, that neither they nor their party for an instant countenanced the use of violence, it will be necessary for this committee to prepare a glossary giving new definitions to English words which in ordinary usage have plain and unmistakable meaning. Here we are told that the Socialist party seeks mild and beneficial reform to ameliorate the condition of the industrial workers in our country, but before his own audience the Assemblyman-elect Claessens, stripped of his present hypocrisy, declares the true purposes of his party. He says:

“If we thought for a minute it was merely a dream on our part, a great political controversy, until we have a majority of men elected, and then, by merely that majority, declare the revolution, if any of you smoke that pipe-dream, if that is the quality of opium you are puffing now, give it up, give it up” (p. 236).

Mr. Claessens, although enthusiastic, is always cautious, and does not in exact words tell his hearers what means will be employed to bring about the revolution. But this Committee must remember that this statement was made at a meeting called for the purpose of celebrating the Second Anniversary of the Russian Revolution, that each of the speakers declared his support of the program of Lenine and Trotzky, that the party of which this man is a member had just affiliated with the Moscow Internationale, and that that program was and is a program of force. In the utterance which I have just quoted to you Claessens has made clear that the Socialist party does not propose to

wait until it has gained the adherence of the majority of the people of this country. The leaders of that party have clearly shown in their every pronouncement that they realize that the social revolution, if it is to come at all in this country, cannot wait until it is the demand of the majority. You have been treated to fine distinctions; you have been told that a revolution is a change; that that change in the Socialist conception need not be brought about by force, but if you read the speeches of the witnesses for these Assemblymen and the writings of the leaders of the Socialist party, you will see that they differentiate the revolution in the making from the revolution in theory, and the speech of Comrade Oneal, so highly extolled by Assemblyman-elect Solomon, contains this appeal to the use of force:

“Every tremendous appeal in the world’s history that has brought about new institutions, every great revolution, the French Revolution, the American Revolution, the Russian Revolution — all such revolutions have been accompanied with more or less violence and it is impossible to dispense with it * * *” (p. 414).

I am repeating these references at this time in order to indelibly fix in your mind that the Assemblymen-elect, by their own utterances, by their endorsement of statements made in their presence, have actually sought to carry conviction to the minds of the people in the congested districts of our great city, that the institutions of this country must be destroyed, that at the present moment they are administered for the sole purpose of oppression, and that the only hope of a suffering world is the inspiration of Soviet Russia, and that its program must be put into effect in this country by other than parliamentary means. It is apparent that the modest workers of our crowded districts would show some hesitancy to attack the institutions of this great Republic.

It has, therefore, become necessary to lash their prejudices into passion, to instill a hatred and contempt for the great mass of the American people, and to villify and denounce those patient and patriotic leaders of organized labor who devoted themselves to guiding the energy of the toilers of America into patriotic channels during the late war. The significance of the speeches which have been quoted to you made by the Assemblyman-elect, is that they have done these things well. Those speeches are before you in the record. Their accuracy is not denied, and I ask you if there is one line, one precept, one statement, in any of them that

can be construed into a support of the United States of America, or the people of the State of New York.

Refer, for the moment, to Comrade Solomon. You have before you the testimony of Frank Wasserman, Walter Hart, Inspector McElroy and Lieutenant Ahlers of the New York City Police, and of Ellen Chivers; it is for you to determine what weight you will give to their evidence. If any doubt remains in the minds of this committee that the Assemblyman-elect Solomon endorses in all respects the principles of his party, and if you are inclined to give any credence whatsoever to his protestations of loyalty, upon the witness stand, I ask you to scrutinize the speech of James Oneal, with its advocacy of revolution by force, **and then read the enthusiastic praise of that speech by this assemblyman.**

The great length of this record, the enormous number of important and relevant facts which should be included in a summing up, would extend this review of the facts, beyond the limits of your endurance. The facts cited, however, may aid you in recalling the appearance of these witnesses upon the stand. They carry with them the conviction that the three assemblymen who took the stand in their own justification were but the mouth-pieces of their party.

Two other assemblymen-elect stand at the threshold of this House claiming their right to take their seats as lawmakers for the people of this great State, Samuel Orr and Samuel A. de Witt. With respect to these the records show that they are members in good standing of the dues-paying organization of the Socialist Party of America; that they are pledged to support the principles and program of their party; that they have accepted the obligation of representing that party in a legislative body and have assumed the task of furthering its purpose. Day by day they have sat in this Chamber; they have listened to the testimony of witnesses; have heard expounded the official utterances of their party and yet they have sat mute. By their silence they have acquiesced in the utterances of their party and admitted the truth of the accusations brought against them and must suffer from every hostile presumption arising from their silence.

The legal questions raised by this proceeding, the great principles of law which it is your privilege as a committee to affirm will be dealt with by my colleague, Senator Brown. I cannot leave the consideration of this question, however, without reference to the legislative career of those now under investigation who have previously been members of this House.

The Assemblymen-elect have been at great pains to review in detail their legislative activity; they have sought to show that while members of this Assembly they conducted themselves as other human beings as if the accusations against them carried with them a presumption that this would not be the case. They were at great pains to impress upon the members of this committee that they took their seats in an orderly manner; that they introduced bills after the manner of other Assemblymen, that they debated questions upon the floor; that they employed language readily understood by their fellows; that they voted upon bills introduced by others in conformity with the general rule and custom of a deliberative body. The great stress laid by the Assemblymen upon this normal and human action seems to have had for its purpose the removal from the public mind of a picture that these men are wild and ungoverned spirits who would destroy legislative decorum and ignore legislative procedure if admitted to this chamber. No such presumption was carried by the charges laid against these five Assemblymen-elect. It was to be presumed that to carry out their purposes they must fit into the legislative scheme with the least possible friction; that they must give the appearance of diligence and attention to legislative duty and they must be armed at the close of the legislative session with some excuses to appeal to the great masses of the voters of their districts who are not members of the dues-paying party organization for their support. Any other policy on the part of these five Assemblymen-elect would have left them for their constituency the obscure and insignificant body of dues-paying members. The real purpose of the Socialist party in participating in legislative activity is disclosed by the platform and resolutions published in *The Congressional Campaign Book for 1914* (p. 427), as follows:

“Such measures of relief as we may be able to force from capitalism are but a preparation of the workers to seize the whole powers of the government, in order that they may thereby lay hold of the whole system of socialized industry and thus come to their rightful inheritance.”

Such legislative activities as the witness described are not the real program of the party. To claim otherwise is mere pretense.

With respect to these matters the record is before you. It is your privilege and your duty to pass judgment on the facts.

And so I have come to the conclusion of my participation in the consideration of this matter with the Committee.

I regard this task upon which we have all been engaged as a highly important and necessary one, as I explained to you at the outset of my remarks this morning.

I have attempted to make plain, for your benefit, in connection with the consideration of this matter the reasons why this investigation becomes imperative at this time. I have explained to you in some detail the international nature of the affiliation of this party and the correlative attitude assumed by it as a member of the Third Internationale to deal with the establishment of the form of undemocratic minority government advocated for the United States.

The matter will shortly be in your hands. After all, it is in the great body of the evidence which has been taken before you that you are to discover the reasons for such action as you shall take. I have attempted to give you nothing but a plain, bare and naked statement of the salient facts. I have not attempted to employ any of the arts or devices of oratory. I regard this occasion as transcending in importance those to which such arts and devices would be appropriate.

It is of the utmost importance that these matters shall be given the most careful attention and scrutiny, for upon the one hand the determination is involved whether we are to harbor within the United States and sanction, by permitting the use of our legislative halls to them, a group of men pledged to destroy our institutions; or whether, upon the other hand, we are to maintain against such attacks the integrity of our institutions.

I feel confident of the determination which you gentlemen shall reach, because I believe that with me instead of the cry "Long Live the International Council of the Proletarians" you will declare in unmistakable language, "Long Live the United States of America."

Mr. Stedman.—Mr. Chairman, I should like Mr. Conboy, if he can, to point out in the record any statement I made with regard to Mr. Debs, as a witness, or I will ask you to point it out tomorrow morning at ten o'clock when I prefer to resume.

The Chairman.—You may answer the argument.

Mr. Stedman.—I prefer to answer a fact.

The Chairman.—You will have ample time to discuss it tomorrow. We will now adjourn until 10:30 tomorrow morning.

(Whereupon, at 5:45 P. M., on this 4th day of March, 1920, a recess was taken until Friday, March 5, 1920, at 10:30 A. M.)

STATE OF NEW YORK — ASSEMBLY CHAMBER

In the Matter of the Investigation by the Assembly of the State of New York as to the Qualifications of Louis Waldman, August Claessens, Samuel A. deWitt, Samuel Orr and Charles Solomon to Retain Their Seats in Said Body.

THE CAPITOL,

ALBANY, N. Y., *March 5, 1920.*

Present:

Hon. Louis M. Martin,
 Hon. George H. Rowe,
 Hon. James M. Lown,
 Hon. Edmund B. Jenks,
 Hon. Edward A. Everett,
 Hon. William W. Pellet,
 Hon. Edward J. Wilson,
 Hon. Charles M. Harrington,
 Hon. Harold E. Blodgett,
 Hon. Theodore Stitt,
 Hon. Louis A. Cuvillier,
 Hon. Maurice Bloch,
 Hon. William S. Evans.

Appearances:

For the Judiciary Committee:
 Charles D. Newton,
 John B. Stanchfield,
 Arthur E. Sutherland,
 Elon R. Brown,
 Martin Conboy,
 Samuel E. Berger,
 Archibald E. Stevenson,
 Henry F. Wolff.

For the Socialists:
 Morris Hillquit,
 Seymour Stedman,
 S. John Block,
 Gilbert E. Roe,
 William Karlin,
 Walter Nelles.

LOUIS M. MARTIN, Chairman.

(The Committee met pursuant to adjournment at 10:40 A. M.)

Mr. Stedman.—Mr. Chairman, and gentlemen of the Committee, this hearing has covered quite a wide range and gone far afield from the charge made in the resolution which operates as a complaint against the Assemblymen under investigation in this case. The charge as originally made, and as elucidated by the supplemental statement of the Committee, did not charge the members with making any speeches to which exception was to be taken; and the charge at the present time that we are affiliated with or express approval of the Soviet government, or with the Moscow Internationale, arises with what force which it may have, subsequent to the opening of these proceedings. At that time the Socialist party had not expressed through its membership, or convention, or executive committee, any sympathy with, any approval of, or any statement whatsoever authoritatively establishing even a fraternal greeting with the Moscow conference.

I shall endeavor in my remarks to confine myself as much as I can to the evidence and draw my deductions from it without delivering an oration after each excerpt which may be taken from the great amount of testimony to which you have listened.

In the opening of this trial it appeared that there was no precedent to guide your actions, and it is true that on all fours none exist. In no European body, no parliamentary government, Anglo-Saxon, Oriental or Slavic, have we any record like that presented here and upon which it is claimed there is a right to exclude men from participating in a legislative assembly.

I might say that the nearest to it is an incident growing out of the Duma, when there was a general strike in Russia, so much

depreciated by the gentlemen who have preceded me, in which the lawyers and the laborers participated, demanding the right to meet and assemble in a National Council; the Czar yielded and threw what Mr. Conboy referred to as a sop to the people by permitting the organization of the Duma. During its existence there were some four or five men who were members of that body charged with a conspiracy, as we would understand the term. It was shown that they had come together; that they had agreed; that they had purchased explosives; that it was their object and purpose to destroy the lives of some of the royal family or those affiliated with them. As a result of that they were prosecuted and convicted and then expelled from the Duma. So at last we have reached the point where an American Assembly can borrow from the greatest parent of modern times a half-baked precedent for the course it is attempting to pursue.

Early in this proceeding it was obvious that there was no law for the proceedings which had been taken. Mr. Stanchfield commenced to establish a law, and he establishes it under a very wide basis. He is a lawyer of distinction. But before I refer to his statement as to the power and authority of this Assembly and what justifies it to proceed, I should first use, or define, a few of the terms which will be used in the course of my remarks. Words constitute simply the vehicle with which we carry thought from one to another, and it is important that we should understand precisely what is meant by words which are so frequently used in this proceeding.

Opposition has been used constantly as synonymous with disapproval. A person may disapprove an act, and yet their conduct may not be such as to obstruct it or destroy its efficiency. Neither is opposition in opinion against a law necessarily a violation of it. In fact, in no instance is it a violation. A person may be opposed to the prohibition act. The fact that they are opposed to it and never speak a word in its favor does not constitute them a criminal. The fact that they may oppose it and never say anything in its favor does not constitute them an accessory to a boot-legger's operations. A man may oppose an internal revenue law. That does not constitute him a violator of it; because, forsooth at no time has he expressed anything in consideration of it or approval of it. And the fact that a man becomes a violator of that law, a smuggler, is not the responsibility of the man who has opposed the law.

And he does not through that statement become an accessory either before or after the facts, and thereby a principal to the violation of the act. A person may oppose a governmental policy consistently all the time and never speak in favor of it, even though it is a declaration of war, and that does not constitute that man a traitor because the law simply says to him, "as long as you obey it you are within the law", and the most fundamental proposition of civil liberty is that while you oppose a law and obey it, you are within the rules and regulations of constituted authority. It has been asked throughout these proceedings, did they say anything in favor of the war? No, because, of course, they were opposed to it, and they had a right to be opposed to it if in their judgment it was improper to enter into it. They were as much within their rights in opposing war before our entrance into it as after our entrance into it. What applies to the declaration of the administration in power, whether it is a policy of law, applies with equal force, with equal logic, to the most insignificant enactments of the State Legislature.

So they had a right to do that. They had a right to sign any statement "that I will not enlist." You have a right to make a statement in writing, that you have a right to act out legally, and the fact that countless thousands and hundreds of thousands in the United States did not propose to enlist was the reason the government adopted the Conscription Law. So the signing of the statement that they did not propose to enlist by the two Assemblymen was within their legal constitutional right, and it was the position of the thousands of people who did not propose to enlist which caused the introduction and the passage of the law which forced them into military service, whether they wished it or willed it or not. You are not expected, under the law, to do anything more than what the law compels. You may, as a matter of ethics, say the position is not right, or it is not just; and in that view only say that by your personal opinion or group associated with you it is your view of the ethical situation. Twenty-five of us have one view on ethics, and a lone individual has another.

We are disputing now over ethics as to what we think he should do. A child is being drowned. We think he should jump in to save his life. That is our view of the ethics. His view may be different from ours, and the moral obligation does not rest with him. Some people have no consciousness of pain outside of their own physical injuries and that of their families. Outside they

are absolutely dead in all sensibilities to the sufferings of others. The law does not impose it upon him. The law does not make it necessary for you to push a revolver aside as an assassin may attempt to take the life of another. Moral obligation? Yes. Legal obligation? No. And when we come into this Assembly we come in under law, and not on the basis of the ethics, or morals, or principles which you may deem, or anyone else may deem, proper and necessary under the circumstances. So, opposition and its approval, as used here, should be borne in mind in considering the proceedings.

The Socialist party and the members did not carry on an obstruction to the actual existence and execution of a war program; but I will come to that a little more elaborately later. Again, repeatedly yesterday, after almost every sentence or two, those who were in the Socialist party were denominated as traitors and seditionists — everything except “renegade” was used. Battalion after battalion was marched out, every little while, until the gas attack became so vigorous that the strongest man felt that he needed the aid of a gas mask.

What is sedition? I will refer to a couple of definitions, so we will secure some comprehensive idea of what we mean by it. But perhaps I should first take up “aid and comfort to the enemy.” That has been used. Some people have a vague notion that if you think your country is wrong, that thereby you are taking the position that the enemy is right; but it does not mean that, and I shall refer to that in a moment. “Aid and comfort,” some people assume to be the gratification which an enemy may have because the country antagonistic to them is not harmonious in the reasons which have been assigned for this war.

Under the Constitution of the United States “Aid and comfort” consists of adhering to the enemies of the United States. The Socialists, in no statement, in no act, in no suggestion that has been brought before this Committee, are either charged or intimated to have been in league with or in hope of the triumphant success of the imperial autocrats of the Central Powers. I will say, gentlemen, that in a sense, perhaps, we were guilty of this offense. The Socialists have never had any love for the Czar; the Socialists have no love for the Mikado, and if, by reason of the fact that we criticised dominions of that kind we have thereby given aid and comfort to the enemy, then there might be some possible vague contention to warrant the suggestion which has been made.

“Disloyal” has been used. When the Espionage Law was before the United States Congress it was originally reported with the word “disaffection.” Disaffection was taken from the Defense of the Realm Act, passed by Great Britain, the methods she used to pacify her dear and loving subjects, that which was imposed upon Ireland and under which the Irish protested, and the echo came from Easter Sunday, when they were shot into shreds; the act imposed upon India, so that if you go to a man and say, “Do you love Great Britain,” and he answers “no,” with a trial in camera he is convicted. Resentment came, and British shot and shell went into helpless thousands of men in the streets of Delhi and Lahore. But, “sedition” was stricken out of our act. It was stricken out because it meant a want of affection. Now, then, if Congress in passing the act was not requiring love and affection, and took the word “disloyal,” then we should understand in what sense the term is used, and I quote definitions from the Debs case and from the language in the Berger case and part from the dictionary.

Disloyal is adhering to the cause of the enemy. In the Debs case it was unfaithfulness to the military authorities of the United States. In the Berger case it implies opposition to the United States and its cause. Here we reach a definition which we should bear in mind in considering the statement of Mr. Stanchfield, cause and reasons are entirely different. A man is injured. He feels he has a right to damages. A man running an automobile has been negligent. Those are the reasons. And he brings his suit. Those on the other side are defending on the ground that the man stepped in front of the machine, the machine was moving along at an ordinary pace, and the man was negligent for stepping in front of the machine. That is the reason for his defense. And statements on one side and the reasons on the other constitute the issue that the court is to decide and that constitutes the cause of the plaintiff and the cause of the defendant; and it is important to remember that because there is no instance produced of record in this case showing that these Assemblymen, that the parties they are a member of ever, or a single one of them stands convicted for opposing the cause of the United States in this war. That was charged in the Debs case. They charged him with ten counts. There was only a possible nine counts under the act, but to make a full measure they put in the tenth which was a conglomeration of the other nine. He was found not guilty

in the cause count, but I shall refer to that a little later. Mr. Stanchfield no doubt appreciates thoroughly the distinction between reasons and cause, and when discussing before this Assembly its powers he quoted the real principles, in my judgment, upon which the Assembly can act, and act possibly without any feeling of restriction and at the same time within this newly-discovered legal canon which Mr. Stanchfield announced for this Assembly. He says: Since New York became a State in the Union in its Constitution and spirit in 1821 and in letter from 1821 down until today, nearly a century, it has always provided that each House of the Legislature should be the judge of the eligibility and qualifications of its members. There are precedents for this proceeding, many of them in the Federal Congress. There are none in the Federal courts. In each instance in the Federal courts the charges against the men were: First, of actual warfare and participating in it in the Federal army, and second, the conviction of a violation of the laws at the time it took place and a violation of the oath previously taken by the member of Congress. First the war cases; next the instance of the violation of the law, the Utah cases under which that State was admitted, and in each instance they were not seated but the challenge was launched before the oath was administered; and in the Berger case the charge made and the Committee finds not that he opposed the war, not that his party opposed the war, but that he sympathized with the cause of the Central Powers, and I point that out.

Assemblyman Cuvillier.—How about the Stark case?

Mr. Stedman.—The Stark case? I cannot refer to that, sir. I don't recall it. I am not familiar with it, but I will venture that what I say, that the statement I am making is correct, sir, because the last case reviewed the principles of the various instances that had grown up.

Proceeding.—There are precedents for this. The Federal Constitution provides that each House shall be the judge of the election, returns and qualifications of its own members. This body has it. but this body adopted a solemn declaration that no other test or qualification should be required except taking that oath, and if it meant anything when it was passed, it means any-

thing now. It means that no other qualifications should be required, except, of course, qualifications which are natural qualifications, which are mentioned, age, citizenship and so forth.

Quoting Mr. Stanchfield: "This is the declaration, being unavailing to the contentions of the attorney for the Committee, and it appearing that the Assemblymen conformed to the constitutional requirements, that is, age, residence and citizenship, and they have taken the required oath, and that no other oath or qualification and no other test shall be required as a qualification for any office of public trust." The attorneys for the Committee, Mr. Stanchfield and the others, abandoned the theory of all previous legal canons, and announced this doctrine, on page 57, "The Assembly of the State of New York has the power, unqualified power, to expel any member, with or without reason, with or without cause." That means reason or no reason. But he does not leave you in any doubt. "With or without cause" — "you are the judges of cause. You may determine what, in your judgment, renders a man unfit to sit in the Assembly, and nobody can question your conduct." Long hair, short hair, Jew, Gentile; any cause; any reason, and he does not omit the said reason, as I shall call your attention to in a moment.

So here this Assembly in its entirety, acting upon the report of the Committee or acting upon its own volition, has the undisputed and inalienable power to suspend or expel a member for anything that measures up to what you assume to be or assert to be an adequate cause. It does not even need to be a cause based on reason — anything which you will assume; you do not even have to assume it — anything which you assert. You only have to say it, and that is sufficient.

"I submit" — I am quoting from him again, page 82 — "I submit, once and for all, in answer to this interminable line of argument on the floor before this Committee, that we proceed," — on the floor of the Assembly of the State of New York — "to purge itself, with or without reason" — you do not need to give any reason — "with or without reason of the presence of any man that it deems inimicable to its interests, or whose conduct or remarks justify the statement that he is disloyal to the standards of the Assembly of the State of New York." It is not necessary at all that he should be disloyal to the United States or to the State of New York, or to any principle; but disloyal to the standards of the Assembly of the State of New York.

I am not criticising Mr. Stanchfield, by no means. He was shrewd enough to say that that was the only compass that would possibly lead to the expulsion of these men, and he reached it logically and clearly. The Constitution of this State provides that no person shall be eligible to the Legislature who at the time of his election, or within one hundred days previous thereto, has been a member of Congress, a civil or military officer of the United States or officer under any city government. Article 13, section 1 reads:

“Members of the Legislature, and all officers executive and judicial, except such inferior officers as shall be by law, exempt, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: ‘I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office’—in this case a member of the Assembly—‘according to the best of my ability;’ and all such officers who shall have been chosen at any election shall, before they enter on the duties of their respective offices, take and subscribe the oath or affirmation above prescribed, together with the following addition thereto, as part thereof: ‘And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promise to pay, contributed, or offered or promised to contribute any money, or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office, and have not made any promise to influence the giving or withholding any such vote,’ and no other oath, declaration or test shall be required as a qualification for any office of public trust.”

It is contended, however, that these members had signed the pledges, to begin with. The evidence now discloses the fact that they never signed any written pledges. It is replied, however, that they tacitly agreed to be governed by the members of the party in their instruction in carrying out their principles. That is true, and that has been taken up by Mr. Hillquit and quite effectively disposed of. But the reply comes in that some of them may be infants. True, but there is no evidence to show that they are. In the early stage of the proceeding they said aliens, infants and

women. They finally left the women out. At least they were enfranchised to some extent and the Socialist party was the pioneer, followed by the Prohibition party. The pioneer party in the United States declaring for women suffrage. And we admit they were members of our organization long before they were enfranchised. They were not put either in the kindergarten brigade nor among chapels.

I want to read now an authority — that is, he would have been an authority one time in American history — and he is to some people now. The man's name is Andrew Jackson, at one time President of the United States. The question came up on the disposition of who should construe a constitutional oath and provisions of the Constitution. Of course, it seems to me that it ought to be perfectly apparent that there would be a difference as to the meaning of the Constitution. You know now I am referring to military appropriations, and as to what vote should be taken on it. You pass laws. The Supreme Court says you are wrong and they are unconstitutional. Does that mean that you have violated your oath of office. May be it happens a dozen times. Does that mean it? Not at all. But more fundamental than that, every single one of the great departments, the Executive, Judicial and the Legislative departments of this government, are each sovereign unto themselves in determining in its judgment what is constitutional. Otherwise, you would have no method of checking one department against another.

So I want to read from the messages and papers of the President. This is stated on July 10, 1832. It is stated so long ago that we have forgotten. It has been smothered by more recent utterances of men prominent in life and newspapers with large headlines. If the opinion of the Supreme Court covered the whole ground of this act it ought not to control the co-ordinate authorities of this government. The Congress, the executive and the courts must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it and not as it is understood by others; not as it is understood by Mr. Sweet; not as it is understood by this Committee; not as it is understood by this Assembly; but as each Assemblyman understands it for himself. Because, after all, if you take a constitutional question in this House that comes up for disposition the majority decides it. The Committee reports — your

Code Committee here—or your Judiciary Committee in other assemblies. They report the bill and a member raises the question it is or is not constitutional, it is not or is constitutional. You divide on the question.

“It is as much the duty of the House of Representatives, of the Senate and the President, to decide the constitutionality of any bill”—I am quoting—“or resolution which may be presented to them for passage or approval as it is of the supreme judges, when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges, and on that point the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the executive when acting in their legislative capacity; but to have only such influence as the force of their reasoning may deserve.”

Charles Sumner had something to say on this. He was one of the traitors and renegades of his day. He was a man who did not believe in the system of one man owning another literally, and he said: “Now, sir, I begin”—I will have to give the page, perhaps; this is Sumner’s reply to his assailants, on June 28, 1854, works of Charles Sumner, volume 3, pages 375–377:

“Now, sir, I begin by adopting as my guide the authoritative words of Andrew Jackson in 1832, in his memorable veto of the Bank of the United States. Here is his reply, and I have just read it to you.

“Mark these words: ‘Each public officer, who takes an oath to support the Constitution, swears that he will support it as he understands it, and not as it is understood by others.’ Yes, sir, as he understands it, and not as it is understood by others. Does any Senator here dissent from this rule? Does the Senator from Virginia? Does the Senator from South Carolina? (Here Mr. Sumner paused, but there was no reply.) At all events, I accept the rule as just and reasonable—in harmony, too, let me assert, with that liberty which scorns the dogma of passive obedience, and asserts the inestimable right of private judgment, whether in religion or politics. In swearing to support the—qualification, oath—continuing he said: ‘Constitution. In swearing to support the Constitution at your desk, Mr. President, I did not swear to support it as you understand it. Oh, no, sir. Or

as the Senator from Virginia understands it — by no means! Or as the Senator from South Carolina understands it, with a kennel of bloodhounds, or at least a ‘dog’ in it, ‘pawing to get free its hinder parts,’ in pursuit of a slave. No such thing. Sir, I swore to support the Constitution as I understand it, no more, nor less.

“But Andrew Jackson was not alone in this rule of conduct. Statesmen before and since have declared it also — nobody with more force and constancy than Jefferson, who was indeed the author of it, so far as anybody can be the author of what springs from common sense. Repeatedly he returns to it, expressing it in various forms. ‘Each department,’ he insists, ‘is truly independent of the others, and has an equal right to decide for itself what is the meaning of the Constitution in cases submitted to its action, and especially where it is to act ultimately and without appeal.’ I content myself with a single text from this authority. The same rule was also announced by Hon. John Holmes, a representative from Massachusetts, afterward Senator from Maine, in the famous debate on the admission of Missouri. ‘This Constitution,’ he declares, ‘which I hold in my mind, I am sworn to support, not according to legislative or judicial exposition, but as I shall understand it.’ Here is the rule of Jackson, almost in his language, twelve years before he uttered it.

“And since Jackson we have had the rule stated with great point in this very chamber, by no less an authority — at least with Democrats — than Mr. Buchanan. Here are a few words from his speech on the United States Bank:

“‘If all the judges and all the lawyers in Christendom had decided in the affirmative, when the question is thus brought home to me as a legislator, bound to vote for or against a new charter, upon my oath to support the Constitution, I must exercise my own judgment. I would treat with profound respect the arguments and opinions of judges and constitutional lawyers; but if after all they failed to convince me that the law was constitutional, I should be guilty of perjury before high heaven if I voted in its favor. * * * Even if the judiciary had settled the question, I should never hold myself bound by their decision. * * * I shall never consent to place the political rights and liberties of this people in the hands of any judicial tribunal.’

“In short, he would exercise his own judgment; and this is precisely what I intend to do on the proposition to hunt slaves.”

These men were opposed to the system at that time.

The Constitution of the State of New York in 1894 provides:

“There shall be maintained at all times a force of not less than ten thousand enlisted men, fully uniformed, armed and equipped, disciplined and ready for active service. And it shall be the duty of the Legislature at each session to make sufficient appropriations for the maintenance thereof.”

This was entirely new in 1894 and apparently unprecedented.

Judge Bartlett in considering section 3 said: “In other words, the existence —” no, I will not go into that just now.

A constitutional provision imposing a duty on an officer is self-executing. I am referring now to the 12th Corpus Juris, 735, and also to the 12th, 739. “While self-executing constitutional provisions operate wholly independently of legislative action clauses in a constitution which are not self-executing, but which direct legislation to carry them into effect, have at most no more than moral force, even when mandatory in terms, and there is no remedy if the legislature fails to act.”

Judge Bartlett, I think I will read from him, says:

“In other words, the existence and maintenance of the National Guard were not to depend upon the legislative will but were rendered permanent and certain by a provision of the fundamental law.”

He held, however, that the counties are not relieved of their specific obligations to militia.

“The command of the Constitution that the Legislature, at each session, shall make a sufficient appropriation, was framed with knowledge of the fact that the amounts contributed annually by certain counties left a deficit varying in amount each year in the aggregate sum necessary for maintenance. It is the duty of the Legislature to ascertain at each session the amount of this deficiency and appropriate from the State Treasury a sum sufficient to cover it.”

Submit the proposition to the average man; if it was a contract, if it was a deed, if it was a franchise, if it was drawn to fit into the character of the legal enactments of various States throughout the United States; drawn in Illinois, if you please, and yet some provision violating the law of some other State — would it require a lawyer of any great learning to announce this fact: that that document lives as an agreement, as a contract, as a bond? It lives in full force and effect in the State where it is drawn; but in the other States it is modified to the extent that it does not conform to the law of that State. This Constitution was for the entire Union and the States and the Territories of Alaska, for every State in the Union. In some States we have peonage; a man can enter into a contract and become an absolute vassal for ten years. He can be arrested to such an extent that if you ask him to renounce his contract, you can be sent to jail. At one time — even now, to go there under the name of the Socialist Party would be in violation of the law.

If this proposition came to any one of you gentlemen in this office, any one of you as a lawyer, how would you interpret it — any differently than I have suggested?

But there is no way of interfering with it; and this also should be carried in mind, that the members that sat in this House never had a military bill presented to them, a bill making a specific appropriation. It was an omnibus bill of large amount appropriations, which was not supported by men in other political parties.

You say this, well, but your Constitution provides that you shall not vote for military appropriations or to maintain a militia. Of course, that theory prevails also among Quakers, as pronounced pacifists. You would not, however, exclude them from the House because you assume that, notwithstanding the Quaker has notions, has ideas, has beliefs that may conflict with some laws, that he would obey them if he was here. You try these people on a presumption of guilt, and then you immediately manufacture a theory that will fit into that conclusion. You say, if your party platform here calls for certain things, and the State Constitution declares for something else, yet the men who come here would violate their party constitution, or would keep their party constitution, and violate the laws of this State. Not at all. You would say: "It is drawn for the State; it is drawn for the Union; it is modified every time it passes over a

State line to conform to the law of that State." That is what it is to be; it is a declaration of law to a Socialist, where it is not in conflict with the law of the State. It is a declaration of principle in every State. That is the point which I wish to carry home and impress upon you. And I may say that there is not one single man here who would stake his reputation as a lawyer on any opinion different than what I have ventured to suggest.

But we come in here prejudged on this investigation, prejudged because they started out with the theory, started out with the idea, that an intentional, subtle violation was intended; and these subtle violations traveled all through this case. It is remarkable, the logic they apply to it. William Bross Lloyd, one of the principal owners of the Chicago Tribune; he goes to Milwaukee and talks about guns — "get a gun and get an egg." Can't you see how shrewd he was? When the testimony came out it was not considered facetious. He was too shrewd. His suggestion was something more subtle. He did not mean every-day eggs. He meant something else. He meant ostrich eggs, so that when they were thrown it would mean a gas attack; and that is what they do when they say these men should be excluded from the Assembly.

In the first place, Lloyd is not a member of the Socialist Party; in the second place, the Communists run as rivals of these men. They disagree with them politically. These men are supposed to be reformers. The others are Reds. But there was a disagreement between the two.

Then we come to incidents, again, like the Moscow Conference; but I want to take up a few of the cases that have been referred to, if I may. The Kate O'Hare case has been referred to. Mr. Debs refers to Kate O'Hare. Mr. Debs did not pretend to quote the record in that case. He pretended to quote what he understood from what he had read. I understand what a man believes what he states he understands the facts to be — if the facts are different, no man, except one whose mind is operating malevolently, charges anything against him except that which is the logical inference from the facts which are in his mind.

Court records are not handed out to people generally. We men pass our opinions from what we get from hearsay, and what we get from the daily press. There was a limitation, however, of proof in that case, or rather evidence. Let us assume a situation. A man is charged with an offense, five witnesses appear against him — or a woman in this case — and I want to

introduce evidence to show that these witnesses are testifying against me as a result of a conspiracy growing out of a local contest over patronage. If you say that evidence is not competent, as lawyers, strike it out. It ends it; but the moment you admit one witness that challenges the veracity and integrity of the five persons who have testified, then, as a matter of justice, you should admit all of the witnesses who are willing to corroborate that statement. If five persons here appear against me and say I advocate the assassination of a prominent man in New York, and I can introduce one witness to show that they were actuated by improper motives, should I not have, in justice, the right to introduce fifty witnesses who could prove it? That was the situation in the Kate Richards O'Hare case.

Then you would say to me, yes, you were on the stand. Did the judge refuse to permit witnesses to testify that you did not say that you would assassinate a prominent man? I replied no. Why, that settles it. He did not strike out evidence contradicting statements against you? No, but he limited the evidence which had a tendency to undermine the integrity of the men who are testifying against me.

Complaint is made of the exclusion of some evidence of a local political controversy upon which witnesses for the government and the defense were divided, that is, some said that these men testified against her, because of a political situation that developed there over patronage, and her sympathies were with one side. The defendant was not a party to it. Sure, I was not a party to these fellows conspiring to charge me with stating I want to assassinate some one, and it did not affect us, except as it bore upon the feeling of witnesses toward each other; but if my feeling toward another person is one that prompts me to injure you by my testimony I do not see, legally, how this is competent, and I care nothing about that. I am making the point, if you admit one witness on the theory, then you should admit enough witnesses to establish the fact very firmly, and for that limited purpose sufficient of the evidence was admitted by the trial court. Now, understand it. Five men say Stedman made a statement, and the court determines whether I have introduced sufficient evidence to show the probability of the untruth of their statement. I do not want to pass this by, however, without paying a tribute to the judges who wrote the opinion. In the opinion, the language of Rose Pastor Stokes is not quoted. The language charged to her,

and which goes out in the record of this proceeding, is not in the opinion of the Eighth Circuit Court of Appeals, while in the ruling of the United States Court. If there is any relevant evidence to sustain a verdict it will be sustained, even though the Appellate Court may deem it wholly insufficient, and on this they felt, I doubt not, that she never made the statement, but they were powerless to cure the error, because under the rule any relevant evidence, no matter how small it may be, or how insignificant its prohibitive value is, will warrant the sustaining of a verdict, and really makes it improper to reverse.

You have referred in this case, and it has been brought in here for consideration, the case of the United States against Steene and others. They were prosecuted some few weeks ago in Utica, N. Y., tried in Utica. They were convicted. They were convicted of the offense of bringing the Constitution of the United States and the army and military service of the United States into contumely and disrepute. They were prosecuted by a district attorney who said, "To hell with the Constitution of the United States." I am glad he was not a Socialist. I met him in the trial and I liked him and I would not want to see a man of his age a candidate for the penitentiary for any such rash statement. That has been offered in evidence and read into the record, you will recall. I gave you the date and even the hour almost. These men were convicted of bringing the Constitution of the United States and the form of government into contumely and disrepute. They did this disloyal thing: They circulated a leaflet which read: "Attend the mass meeting, Moose Hall, Friday the 21st." It reads as follows: "Mr. President, let our people go. American citizens charged with no crime against persons or property and guilty only of expressing their political, industrial and religious beliefs are subjected to these tortures in your prisons. These people were convicted of no violation of the spirit of the Declaration of Independence and the Constitution of the United States. Their conviction was made possible only by war hysteria prevailing at that time. Whatever justification these conditions had no longer exists. The war is over. No justification exists or ever did exist for these brutal, inhuman tortures inflicted on defenseless victims by your agents and representatives. In the name of liberty and justice we demand the release of all prisoners whose alleged crimes consisted in peaceable expressions and maintenance of their political opinions, industrial

activities or religious beliefs. Come to the meeting. George R. Kirkpatrick will lecture."

And mark this: They don't ask for the liberation of persons who did more than express their opinion. They had pictures showing brutal conduct, brutal treatment of prisoners, one hung by the wrists from the ceiling for eight hours a day at Neil's Island; other political prisoners beaten with a baseball bat in Leavenworth penitentiary; another chained to the bars eight hours a day for two weeks. These pictures it was argued brought the government of the United States, the form of the Constitution — now, how it brings the form of the Constitution, the Secretary of State, and the Congress and the Senate, and the Supreme Court — how it brings it into disrepute, I leave for you gentlemen to guess.

However, there was a verdict. On the back there are pictures of Kate Richards O'Hare and a man 73 years old named Crimpi, and another, Flora Furman. Flora Furman was sentenced to the penitentiary too, but I cannot criticize that sentence. It was quite logical considering the source. The judge was adjudicated insane a short time after.

The Supreme Court says the Constitution is a law for all in war or peace. I wish to say for the record, however, that I was not personally present at the adjudication of the fact in regard to the jurist, and I am basing it conclusively upon current report and newspaper articles. "The Constitution equally in war and in peace covers with the shield of its protection all classes of men at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended through any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism." That is in the Milligan case in the 14th of Wallace.

The right to petition has not only been up for consideration and discussion in legislative bodies and in courts but it is guaranteed by the Constitution. I wish to call your attention to one or two excerpts upon the subject. John Quincy Adams offered a petition for the liberation of negro slaves. The House at that time was very much insulted by the fact that such a petition was offered. At one time his reputation was such for offering all petitions that came in. He said everyone has a right to petition. Any petitions that comes to my hand I will offer to the Speaker. One day they sent in a petition signed by negro slaves who were opposed to

abolition. Some thought it was a joke and that he would not present the petition,— but he did. He did. Probably he thought that it was truthful, because those who clamor for freedom the least are those who have had the least experience under free conditions. The slave is one of the last to ask for his freedom, just the same as the most submissive derelict in civilized society is the last to insist upon a dignified position in social, industrial and political life.

I read from Seward, quotation of Adams :

“ It is for the sacred right of petition that I have adopted this course. * * * Where is your law which says that the mean and the low, and the degraded, shall be deprived of the right of petition, if their moral character is good? Where, in the land of freemen, was the right of petition ever placed on the exclusive basis of morality and virtue? ”

I mention this because it may be regarded that the pacifists, military prisoners and other offenders, constituting perhaps a thousand or two thousand in the United States, may be regarded as wanting proper virtue.

“ Petition is supplication — it is entreaty — it is prayer. And where is the degree of vice or immorality which shall deprive the citizen of the right to supplicate for a boon, or to pray for mercy? Where is such a law to be found? It does not belong to the most abject despotism. There is no absolute monarch on earth, who is not compelled, by the Constitution of his country, to receive the petitions of his people, whoever they may be. The Sultan of Constantinople cannot walk the streets and refuse to receive petitions from the meanest and vilest of the land. This is the law even of despotism. And what does your law say? Does it say that, before presenting a petition, you shall look into it and see whether it comes from the virtuous, and the great and the mighty? No, sir; it says no such thing. The right of petition belongs to all. And so far from refusing to present a petition because it might come from those low in the estimation of the world, it would be an additional incentive, if such incentive were wanting.”

I want to have you notice this: the conviction has been offered in the case. I want to have you know what they were sentenced for.

I want to have you listen to what Mr. Brown says when he thinks they ought to go to prison when they are acting in the capacity of mercy.

Wendell Phillips in Lynn, Massachusetts, and according to the latest reports, he was not born in Germany and neither were his parents, says:

“The right of petition we had thought as firmly fixed in the soil of America as the Saxon race which brought it here. It was the breath of life during our colonial history, and is recognized on every page of our history as the bulwark of civil liberty. Antiquity and the historical associations of our mother country had rendered it so sacred that we looked confidently to that for protection and redress, when all other means should fail.

“Who does not recollect the astonishment — for the first feeling was rather astonishment than indignation — with which we heard that the door of the Capitol was closed to the voice of the people? It seems as if the nation had been pressing on blindfold, and we opened our eyes only to behold the precipice over which we were rushing; as if the time-honored rights which had been fought for on British ground, and which our fathers had inherited, not one were again to be struggled for. The power of liberty had rolled back four centuries, and the contest whose history is written on the battlefields and scaffolds of England had been all in vain. Well might hope sicken, and the bravest despair.

“I have said, Mr. President, that we owe gratitude to Mr. Adams for his defense of the right of petition. A little while ago it would have been absurd to talk of gratitude being due to any man for such a service. It would have been said, ‘Why, he only did his duty, what every other man would have done; it was too simple and plain a case to need a thought.’ But it is true that, now, even for this we ought to be grateful.”

The slave power, feeling that its day was going, did not have brains enough to recognize what was coming. They went down into Texas. Texas was a Catholic country, but opposed to human slavery. Canada on the north was opposed; Great Britain was, too. So slaveholders took their slaves with them and went into Texas and started a warfare against Mexico, that they might

divide Texas into five States to perpetuate their slavery in the United States. Let us Americans not fool ourselves any longer. When a man says we have never been engaged in an unrighteous war in our history, I ask him to tell the story of the morals and ethics of the Brigades and the army going into a neutral, unoffensive country next door for the purpose of carving up such country to make it an adjunct of the Southern Confederacy.

And this is another fact; there was a reaction at this time. They were very harsh against the Abolitionists. They were not only jailing one, but hundreds. He continued:

“And this fact is another, a melancholy proof of the stride which the influence of slavery has made within a few years. It throws such dimness over the minds of freemen that what would once have been thought the alphabet of civil right, they hail as a discovery.

“I wish this resolution may pass, that as far as in us lies, he may feel that Massachusetts echoes back his cry to arms, is ready to sustain him and his colleagues in their noble course, is girding herself for the contest — and come what may, will see to it that, however the lights of other States may flicker with the breeze, her courts shall burn bright and unchanging on the eminence which she has never deserted or betrayed.”

These persons who were sent to prison for petitioning are in good company — the spirit of good company — company that is dead, but the spirit lingers at least somewhere, though they are now traitors and renegades and disloyalists and Socialists. I depart from my text for a moment to say that the Socialist Party is proud of the fact to-day that we stand for the three great fundamental principles of American liberty and life: Freedom of the press, freedom of speech and representative government; and it is not surprising to us to find them gradually eaten and torn away from people who have reached a point where a banker can rise and say: “I am one of seven men who control the finance of the nation,” and I quote Mr. Dawes, of the Continental Bank of Chicago.

Rose Pastor Stokes has been mentioned. There seems to be one member of the Committee who has been somewhat interested in her fate, because quite frequently our dear friend, Comrade Cuvillier, has mentioned Rose Pastor Stokes. Now, he should know what she has been convicted for.

Assemblyman Cuvillier.— The fact was that, after being convicted, she was not satisfied, and had to violate the law again and be tried and convicted again.

Mr. Stedman.— Mr. Cuvillier, that shows that a brutal, unrestrained, vicious presecution does not produce respect or love; but produces the worst kind of pedagogy.

She wrote to the Star and she said:

“A headline in this evening’s issue reads: ‘Mrs. Stokes for the government and against the war.’ I am not for the government. In the interview that follows I am quoted as having said: ‘I believe the government of the United States should have the unqualified support of every citizen in its war aims.’ I made no such statement. I believe no such thing.”

Mr. Wilson had fourteen aims. He went to Paris and he returned, and the open Covenant of Nations went glimmering, and how many of the other fourteen points were left, I do not know.

Assemblyman Cuvillier.— But he was loyal to his country, though.

Mr. Stedman.— Oh, yes. That is not my point — and I do not think he boasts of it all the time — that is, if he is consonant that he is. I want to say this: that you can generally take a man who is boasting of the fact that he always pays his bills, and suggest that he have his checks certified. The man who is what he is is not in the habit of parading it on billboards unless he is selling some wares.

Assemblyman Cuvillier.— I do not think, Mr. Stedman, that you should assail the President of the United States.

Mr. Stedman.— What is that?

Assemblyman Cuvillier.— I do not think that you should assail the President of the United States.

Mr. Stedman.— Let me say this, sir, to you: I hope the time will never come when a man in this government will not feel the right to assail any man in public office — every man in this house. The law stands in a position equal to that of the President.

Assemblyman Cuvillier.— I mean in this case here.

Mr. Stedman.— In any case. Let the law once draw the line and you will exclude everything. John Adams, who made the motion to make this country independent, under a situation, if you please, where Frenchmen were coming over to the United States; coming over here from the Revolution in France, where they were denounced, where the press denounced them, where they were recorded as inimical to American institutions; let me read:

“Many of these newcomers were extreme radicals and expressed their opinions by speech or pen with a venomous facility that has few counterparts in these milder times. In their old homes, they had detested kings and governors, but had been compelled to keep their thoughts more or less to themselves. In America, they condemned whatever magistrate they found in power without fear of guillotine, axe, Bastile or Tower — It was inevitable that in 1798, some one should ask by what right a lot of foreigners came over here and malignantly reproached those whom the voters had placed in high station? If these foreigners did not like the men and things that appealed to the majority of American voters, let them keep away, or if they had come over, let them get out.”

I am quoting from Professor Channing's History of the United States, volume 4, page 220. And that man, with a record as a publicist, went down to defeat. People who revolted against a stamp tax; people who revolted against a revenue act, at that time — and people who know the value of liberty, at no time — will suffer for any permanent period a gag to be placed upon their lips; and they did not then. It was good it was the President, because if it had been some insignificant individual, it would have caused no comment. But once you say: “You cannot criticize the President,” then comes the Senate; then comes Congress; then comes the Legislature, and it ends up with the constable. That is the process.

The sedition laws of all countries have proven failures. Louis XIV said, “I am the State,” and he adopted a sedition law. You could not speak and you would not talk. We know his finish. The Czar prohibited speaking. You could not talk. We know all the people talked. We know his finish. It is so recent that we know of it. The Kaiser would not permit Socialists or anyone to talk. We saw his finish.

By the way, right here I must divert before I go to the Berger case, and it was very interesting to notice in the address delivered yesterday the criticism of the Socialists of the United States. You are not with the war. You were against the Germans who were with their country. True, you were with the Italians who were opposed to war, but you were not with the French who were pro-war; and throughout it all there runs this chord: that we approve the Socialists who were with their countries and supported the war. I do not know whether you noticed it, but to me it was very clear — and do you understand why that existed. Along the criticism of Russia, I will tell you. The gentleman is so clearly and psychologically a representative of vested interests, that he believed in an unlimited obsequious submission to authority, even though it was the Kaiser or the Czar. If you analyze Mr. Conboy's address you will find throughout that by innuendo he was praising the majority Socialists of Germany. Why? Because they stood for a monarch and a mailed fist. Not at all is that all, but because they were loyal no matter how tyrannical the master may be; but let me go back to Rose Pastor Stokes. Rose Pastor Stokes mentioned the fact that she did not agree with all the war aims and mentioned the first open covenant. Part of it was open. The George Washington left the United States, and it openly arrived in a port. After that the open business closed. Next, the integrity of small nations. Of course, there was something in that because I do not think it included large nations. So we enter into a League of Nations. This is not an Internationale. This is not an Internationale. It is just a League of Nations. It is not an Internationale, because the four bosses that came out of the war composed the entire brigade; but they entered into it, and caused ten guarantees of the division of territory as it exists. I can see why she should not agree with that. For instance, a person might feel that Ireland should not be held as subject, or India, or Egypt. They might even feel there was really no complete justification, at least some question, from taking the iron ore fields, and the coal fields from a republican ally of China and passing it over and handing it into the mailed fist of Oriental Prussianism.

You might not believe it was well to take from an ally, which is a progressive growing republican country, and pass it over to one that you may find to become quite a dangerous rival when you attempt to sell your sewing machines and tinware in

Oriental markets. She had a right to disagree with the war,—war aims. Maybe she was wrong. I do not say she was right.

Mr. Wilson may have been right, but we have no theory here of an omniscient President. You may have authority which is absolute on the subject of faith, but on facts and on programs I hope we can feel that a person has a right to disagree. Has she done any more than the United States Senators have? A lot of them disagreed, and a great many other people. I say this too, by way of prophecy, that that case, if it is ever decided, will be reversed. I do not say that her personal course is good or bad. There is no evidence in this case of record, under oath, as to what her cost has been, but the record in her case is important, as I will show you.

I now want to refer for a moment to the Berger case. Berger was not convicted for circulating the proclamation or war program, "The Price we Pay," or any of these articles. In the proceeding in Congress, which I shall refer to in a moment—let us understand what conspiracy is. Conspiracy consists of an agreement to do a legal act illegally, or an illegal act by legal means. It implies co-operation and a common plan; a meeting of minds, but a meeting of minds with a plan in view. That is, that you co-operate as an individuality, or that it may be a group of individuals with a knowledge and with a purpose carrying out that which would result normally in a physical concrete violation of criminal law. I mention that because in the entire period of this war no man was convicted for circulating the proclamation and war program. That which is regarded here in the speech to be such a hideous offense—you say it is referred to in the Debs case and I shall read it in a few minutes; but Debs was not convicted for circulating it because he did not even mention it in his speech. How many were circulated? Turn to your record in the Berger case here and read it, and you will find that almost six or seven hundred thousand, all over the United States—let me say again that in "The Price we Pay," circulated to the extent of 900,000—and I am underestimating in each instance,—there is one opinion one way and there is opinion the other way.

And it was not strange under this law that it happened that in some places you would be a criminal, and if you walked five feet over or one foot over, you were not a criminal, because there were such divergent views as to the construction of the law and the construction of facts upon that or under that law.

Going now to the Berger case for a moment, I want to go to the proceedings in the Congress. Berger was not convicted for the dissemination of literature, either war programs or other documents. He was convicted of conspiracy, and to that I have referred. He was elected to Congress. There was a motion made by Mr. Kearney, through the Chairman of the Committee, to exclude him from the House. The contest in the National Congress was the right — I should read this as a quote — The condition in the National Congress was the right of each of the respective bodies to exclude suspended members, is summarized in the conclusion of law by the committee in its report recommending the exclusion of Berger, that he was not entitled to take the oath of office as a representative, page 16 as follows:

“As has been already shown in this report, both of these contentions are unsound, and not supported by principle or precedent. In the first place, the House of Representatives has always insisted upon its right to exclude members-elect, and has always consistently refused to expel a member once he has been sworn in for any offense committed by him previous to his becoming a member, on the ground that the constitutional power of expulsion is limited in its application to the conduct of members of the House during their term of office.”

And I call your attention to this, that the hearing in Berger's case, at that hearing they took up both propositions, first, that he was denied the right to receive the oath of office; secondly, should he be expelled or was there evidence sufficient to do that, to warrant his expulsion. There was evidence sufficient to warrant his expulsion, in their judgment; there was evidence sufficient to prevent his being seated; but that does not change the point I am making, that they held that where a man became a member of the House he could only be expelled for conduct resulting thereafter which would justify legally and warrant his expulsion.

Assemblyman Cuvillier.— How about his second term?

Mr. Stedman.— His second was upon the first. He was not administered, but the point I am making here, Committeeman Cuvillier, is this, that when these men came into this House, accepted the oath and participated, if you are looking for a precedent from the proceedings in the United States Congress, you will find it establishing the fact that your right to expel existed

by virtue of conduct improper, occurring after their admittance into this Chamber as Assemblymen. The evidence submitted against Berger consisted generally of the following: The record in the case of the United States against Berger and others, wherein Berger stood convicted — the United States *ex rel.* Milwaukee Social Democratic Publishing Company against Burleson in the United States Circuit Court of Appeals in the District of Columbia. In the case against Burleson the court said, and they refer to it, and the page in the record is 504 — “We shall not review the articles from appellants’ publication set forth in the answer.” When I say we, Mr. Stenographer, I refer to the record of the hearings before the special committee appointed under the authority of the House, resolution No. 6, concerning the right of Victor L. Berger to be sworn as a member of the 68th Congress, Volume 1:

“We shall not review the articles from appellants’ publication set forth in the answer, for when they are taken as a whole and considered in connection with the circumstances under which they were printed, we think the conclusion reached by the Postmaster-General as to their purpose and effect was warranted. No one can read them without becoming convinced that they were printed in a spirit of hostility to our government, and in a spirit of sympathy for the Central Powers; that through them appellant sought to hinder and embarrass the government in the prosecution of the war.”

In the early part of my remarks I call attention to the difference between supporting a reason and supporting a cause; that persons might be opposed to us going into this war, but no person with any sense or principles wished the Kaiser and his junker gang to win this war. No one ever thought of that for a moment. The committee found from the evidence in its conclusions of fact in almost the precise language herein quoted in the opinion of the court.

I have given you that, and I might say that when he was returned to Congress his vote increased from one to six, and among those who voted for seating him was no less than the ex- and perhaps now, the leader of the Republicans, Mr. James R. Mann.

Assemblyman Cuvillier.—My Congressman voted for it. He will be sorry for it before he gets through.

Mr. Stedman.— Maybe he will and maybe he won't. We don't know how things will travel. Three or four years ago we never thought in the United States that reaction would run the course it has. No one ever suspected it. No one thought that the veneer of real patriotism and love of liberty was so thin.

We have been left in side lines here. One reference is made to the case of the Frenchmen who were told to go back, they didn't belong to this country. It makes me think how novel a situation it would be and must have been, although they probably didn't say it, that when one branch of my ancestors, a small one,— I can just imagine them coming out from the Iroquois Federation and saying to John and Isaac Stedman when they got off the good old boat Queen Elizabeth in 1638, saying, "John and Isaac, you are stealing our lands and we cannot stand it. If you don't like this country go back where you came from." They would speak as real Americans. The rest of us only come here by accident and chance. I want to say, for my part, I am glad a lot of them came. You remember, Mr. Committeeman, even the Germans — for by their vote Abraham Lincoln was elected, and the scale was turned to his side by their strength. The Arsenal at St. Louis was taken possession of, one of the best equipped, armed and equipped, and filled by Floyd when he was Secretary of War. Not only that, they drilled regiments, held the Southern militarists, graduates, most of them, from the Military College, in leash, while we were developing and drilling the genuine, the long line Americans of the North to meet the onslaught. No matter what we may think of them now, or what you may or others, we must remember that one event in American history — they helped to change conditions for the best, and Karl Marx received a letter of commendation from Abraham Lincoln, stood with Beecher, and stood with Thompson, and those who were against Great Britain lining up with the South. The Socialist stood there, and although Marx was in exile into England, it is to the credit of England that she tells neither anarchists, Kropatkin, nor the Socialist Marx, "go back where you came from."

She knew the value of the intellect oppressed by a despotism, and one of the great sources of Great Britain to-day is the fact that no matter how she treated her colonies, in London in her home, in her very heart, she said : "Take Trafalgar Square; take the streets; talk as you please but obey the law." That is all she required, and liberty of speech lived and the renegades of other

countries contributed more to the great development of the British Empire than any other source from which she had drawn her influence.

Assemblyman Cuvillier.—It is the American Socialist Party in this war that we want to know about.

Mr. Stedman.—I am glad you mentioned that also, because it calls my attention to another thing. You don't know the truth about this war. You cannot know the truth about this war until the Espionage Act is dead. Counsel here yesterday intimated that the convention of the socialists was not called because some of them might express an opinion which might land them in the penitentiary. That is true. We said this, there are many in our party who think that the proclamation and war program should be revised. It was drawn to stop a conflagration that was intended. Its language was lurid to meet a situation of high flame. It was to stop if you could an impact of the people rushing into war. It was a propaganda document as well as one announcing principles, and the suggestion was that a convention should be called, that it should be revised. We refused to call it. We could not say, "Gentlemen, we want to revise the document" and a man in the other end of the hall say "I think it ought to stand as it is; I think we ought to express more strongly our opposition to the war." You see what it would have invited. Every man who wished to destroy it could speak with a free and open mind. Everyone who wished to affirm it would be a candidate for the penitentiary. And we refused to permit a convention to exist where anyone could say to men upon the floor, "we can speak as we please. You reply, sir, and the district attorney and the jury will send you to the penitentiary." And I say that with all the press, all the pulpit, all the money, all the wealth, all the institutions in favor of this war that it was an act of national, moral cowardice to place a gag upon the lips of the minority who wished to tell the people of this country the truth about this war. But mark you have done it for a day; it has been done for two years, but the people some time will know the agencies that brought it about, the cards that were shuffled, and when they know, the heart of this people will respond. They are earnest and want the facts and are going to get them in due time. And this country needed no such method as that; no such process was needed but it was adopted and it was the first time since the year

1798. Talk about profiteers; talk about the Lusitania. When the Lusitania sunk, who sent out the message to be neutral? Was it not the President of the United States? Of course it was. Who was it that insisted on neutrality all the time? The President. Did Martin Glynn suggest that we should go to war because the Lusitania was sunk? Not at all. But we will come to that a little later.

Portions of the Debs case have been read to you. I am going to call your attention to one or two features of it and read a portion of it. Then I want to analyze one or two counts. I state before I shall ask Mr. Block to read the speech to the jury the thing I want you to bear in mind. In this indictment there was the charge that he used language to bring the form of the government into contumely and disrepute; that he opposed the cause of the government of the United States; that he used disloyal language about the form of the government of the United States. That he made false reports. Every one of those counts was withdrawn or demurrers sustained to it. The government withdrew the seventh count. The seventh count was a charge that his language was used intending to create resistance to the United States. That was withdrawn because of the insufficiency of the evidence, by the Attorney-General of the United States. That is important for us here for the following reasons: These men are charged with being disloyal. You can take the evidence and statements by Mr. Debs. You can say: "I call attention to the charge in the indictment, where it was stated that it was done with an intent to provoke resistance to the United States." The Attorney-General withdrew it. The language used was not disloyal language, about the form of the government of the United States. That there were no charges of false reports. That was withdrawn. But I ought to emphasize this to you, gentlemen: That under the Espionage Act the truth was no defense; motive was no defense. The act was sufficient. If a man went forth and pulled down a recruiting sign he was guilty whether he believed men should not engage in war or whether he had a malicious intent against the officers of the recruiting service.

The truth of the case I have referred to, of the men convicted for petitioning to release prisoners—in that instance they portrayed brutalities. You cannot prove the truth even upon the question of motive. You cannot prove the truth on the mitigation of intent. What the practical effect was: Did the man who

used it, and was the probable view of that language, to produce insubordination, disloyalty, or to obstruct the recruiting and enlistment service of the United States. That was all. And in the case I have referred to, of Mr. Debs, the counts were eliminated, except counts two and four. Two and four were the ones that finally went before the Supreme Court, an attempt to cause insubordination and an attempt to obstruct the recruiting and enlistment service.

Now, I will ask Mr. Block to read the address of Mr. Debs to the jury.

Mr. Block (reading):

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

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

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

“ Permit me to say in the first place that I am entirely satisfied with the Court’s ruling. I have no fault to find with the District Attorney or with the counsel for the prosecution.

“ I wish to admit the truth of all that has been testified to in this proceeding. I have no disposition to deny anything that is true. I would not, if I could, escape the results of an adverse verdict. I would not retract a word that I have uttered that I believe to be true to save myself from going to the penitentiary for the rest of my days.

“ I am charged in the indictment, first, that I did wilfully cause an attempt to cause or incite, insubordination, mutiny, disloyalty and refusal of duty within the military

forces of the United States; that I did obstruct and attempt to obstruct the recruiting and enlistment service of the United States. I am charged also with uttering words intended to bring into contempt and disrepute the form of government of the United States, the Constitution of the United States, the military forces of the United States, the flag of the United States and the uniform of the army and navy.

“The Court.—Mr. Debs, permit me to say that the last charge which you have read to the jury has been withdrawn from their consideration by the Court.

“Mr. Debs.—Pardon me. I was not aware of that.

“The Court.—I have directed a verdict of ‘not guilty’ as to that charge.

“Mr. Debs.—I am accused further of uttering words intended to procure and incite resistance of the United States and to promote the cause of the Imperial German Government.

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

“In what I had to say there my purpose was to educate the people to understand something about the social system in which we live and to prepare them to change this system by perfectly peaceable and orderly means into what I, as a socialist, conceive to be a real democracy. In the course of the speech that resulted in this indictment, I am charged with having expressed sympathy for Kate Richards O’Hare, for Rose Pastor Stokes, for Ruthenberg, Wagenknecht and Baker. I did express my perfect sympathy with these comrades of mine. I have known them for many years. I have every reason to believe in their integrity, every reason to look upon them with respect, with confidence and with approval.

“Kate Richards O’Hare never uttered the words imputed to her in the report. The words are perfectly brutal. She

is not capable of using such language. I know that through all of the years of her life she has been working in the interests of the suffering, struggling poor; that she has consecrated all of her energies, all of her abilities, to their betterment. The same is true of Rose Pastor Stokes. Through all of her life she has been on the side of the oppressed and downtrodden. If she were so inclined, she might occupy a place of ease. She might enjoy all of the comforts and pleasures of life. Instead of this, she has renounced them all. She has taken her place among the poor, and there she has worked with all of her ability, all of her energy, to make it possible for them to enjoy a little more of the comforts of life.

“I said that if these women whom I have known all of these years — that if they were criminals, if they ought to go to the penitentiary, then I too am a criminal, and I too ought to be sent to prison. I have not a word to retract — not one. I uttered the truth. I have made no statement in that speech that I am not prepared to prove. If there is a single falsehood in it, it has not been exposed. If there is a single statement in it that will not bear the light of truth, I will retract it. I will make all of the reparation in my power. But if what I said is true, and I believe it is, then whatever fate or fortune may have in store for me I shall preserve inviolate the integrity of my soul and stand by it to the end.

“When I said what I did about the three comrades of mine who are in the workhouse at Canton, I had in mind what they had been ever since I have known them in the service of the working class. I had in mind the fact that these three workmen had just a little while before had their hands cuffed and were strung up in that prison house for eight hours at a time, until they fell to the floor fainting from exhaustion. And this because they had refused to do some menial, filthy services that were an insult to their dignity and their manhood.

“I have been accused of expressing sympathy for the Bolsheviks of Russia. I plead guilty to the charge. I have read a great deal about the Bolsheviks of Russia that is not true. I happen to know of my own knowledge that they have been grossly misrepresented by the press of this country. Who are these much maligned revolutionists of

Russia? For years they had been victims of a brutal Czar. They and their antecedents were sent to Siberia, lashed with a knout, if they ever dreamed of freedom. At last the hour struck for a great change. The revolution came. The Czar was overthrown and his infamous regime ended. What followed? The common people of Russia came into power, the peasants, the toilers, the soldiers, and they proceeded as best they could to establish a government of the people.

“ District Attorney Werts.— If the Court please, I would like to ask the Court to instruct the defendant that his arguments are to be confined to the evidence in the case. There isn’t any evidence in this case about the Bolsheviki at all or the Russian revolution.

“ The Court.— I think I will permit the defendant to proceed in his own way. Of course, you are not a lawyer, Mr. Debs. The usual rule is that the remarks of counsel should be confined to the testimony in the case, but it does not forbid counsel from making references to facts or matters of general public history or notoriety by way of illustrating your arguments and testimony in the case. So I will permit you to proceed in your own way.

“ Mr. Debs.— Thank you. It may be that the much-despised Bolsheviki may fail at last, but let me say to you that they have written a chapter of glorious history. It will stand to their eternal credit. The leaders are now denounced as criminals and outlaws. Let me remind you that there was a time when George Washington, who is now revered as the Father of his Country, was denounced as a disloyalist, when Sam Adams, who is known to us as the Father of the American Revolution, was condemned as an incendiary, and Patrick Henry, who delivered that inspired and inspiring oration that aroused the colonists, was condemned as a traitor.

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

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

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

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

“ Napoleon Bonaparte was a high authority upon the subject of war, and when in his last days he was chained to the rock of St. Helena, when he felt the skeleton hand of Death reaching for him, he cried out in horror, ‘ War is the trade of savages and barbarians.’

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

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

“ This has been the tragic history of the race. In the ancient world Socrates sought to teach some new truths to the people, and they made him drink the fatal hemlock. It has

been true all along the track of the ages. The men and women who had been in advance, who have had new ideas, new ideals, who have had the courage to attack the established order of things, have all had to pay the same penalty.

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

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

“At a latter time there began another mighty agitation in this country. It was against an institution that was deemed a very respectable one in its time, the institution of chattel slavery, that became all powerful; that controlled the President, both branches of Congress, the Supreme Court, the press, to a very large extent the pulpit. All of the organized forces of society, all the powers of government, upheld chattel

slavery in that day. Again there were a few appeared. One of them was Elijah Lovejoy. Elijah Lovejoy was as much despised in his day as are the leaders of the I. W. W. in our day. Elijah Lovejoy was murdered in cold blood in Alton, Illinois, in 1837, simply because he was opposed to chattel slavery — just as I am opposed to wage slavery. When you go down the Mississippi river and look up at Alton, you see a magnificent white shaft erected there in memory of a man who was true to himself and his convictions of right and duty unto death.

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

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

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

“It is because I happen to be in this minority that I stand in your presence today, charged with crime. It is because I believe as the revolutionary fathers believed in their day that a change was due in the interests of the people, that the time had come for a better form of government, an improved system, a higher social order, a nobler humanity and a grander civilization. This minority that is so much misunderstood and so bitterly maligned is in alliance with the forces of evolution, and as certain as I stand before you this afternoon, it is but a question of time until this minority will become a conquering majority and inaugurate the greatest change in all the history of the world. You may hasten the change; you

may retard it; you can no more prevent it than you can prevent the coming of the sunrise on the morrow.

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

“I believe, however, in a wider patriotism. Thomas Payne said, ‘My country is the world. To do good is my religion.’ Garrison said, ‘My country is the world and all mankind are my countrymen.’ That is the essence of internationalism. I believe in it with all my heart. I believe that nations have been pitted against each other long enough in hatred, in strife, in warfare. I believe that there ought to be a bond of unity between all of these nations. I believe that the human race consists of one great family. I love the people of this country, but I don’t hate the people of any country on earth — not even the Germans. I refuse to hate a human being because he happens to be born in some other country. Why should I? To me it does not make any difference where he was born or what the color of his skin may be. Like myself he is the image of his creator. He is a human being and endowed with the same faculties, he has the same aspirations, he is entitled to the same rights, and I would infinitely rather serve him and love him than to hate him and kill him.

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

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

“ If my friends, the attorneys, had known me a little better they might have saved themselves some trouble in procuring evidence to prove certain things against me which I have not the slightest inclination to deny, but rather, upon the other hand, I have a very considerable pride in.

“ You have heard a great deal about the St. Louis platform. I wasn't at the convention when the platform was adopted, but I don't ask to be excused from my responsibility on that account. I voted for its adoption. I believe in its essential principles. There was some of its phrasing that I would otherwise. I afterwards advocated a restatement. The testimony to the effect that I had refused to repudiate it was true.

“ At the time that platform was adopted the nation had just entered upon the war and there were millions of people who were not socialists who were opposed to the United States being precipitated into that war. Time passed; conditions changed. There were certain new development and I believe there should be a restatement. I have been asked why I did not favor a repudiation of what was said a year before. For the reason that I believed then as I believe now, that the statement correctly defined the attitude of the Socialist party toward war. That statement, bear in mind, did not apply to the people of this country alone, but to the people of the world. It said, in effect, to the people, especially to the workers of all countries, ‘ Quit going to war. Stop murdering one another for the profit and glory of ruling classes. Cultivate the arts of peace. Humanize humanity. Civilize civilization. That is the essential spirit in the appeal of the much hated, condemned, St. Louis platform.

“ Now the Republican and Democratic Parties hold their conventions from time to time. They revise their platforms and their declarations. They do not repudiate previous platforms. Nor is it necessary to. With the change of conditions these platforms are outgrown and others take their

places. I was not in the convention, but I believed in that platform. I do today. But from the beginning of the war to this day, I have never, by word or act, been guilty of the charges that are embraced in this indictment. If I have criticized, if I have ever condemned, it is because I have believed myself justified in doing so under the laws of the land. I have had precedents for my attitude. This country had been engaged in a number of wars, and every one of them has been opposed, every one of them has been condemned by some of the most eminent men in the country. The war of the Revolution was opposed. The Tory press denounced its leaders as criminals and outlaws. And that is what they were under the divine right of a king to rule men.

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

“I believe in the Constitution of the United States. Isn't it strange that we Socialists stand almost alone to-day in defending the Constitution of the United States. The revolutionary fathers who had been oppressed under king rule understood that free speech, and the right of free assemblage by the people were the fundamental principles of democratic government. The very first amendment to the Constitution reads: ‘Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition

the government for a redress of grievances.' That is perfectly plain English. It can be understood by a child. I believe that the revolutionary fathers meant just what is here stated — that Congress shall make no law abridging the freedom of speech or of the press, or of the right of the people to peaceably assemble, and to petition the government for a redress of grievances.

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

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

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

“(To the Court).— Your Honor, I don't know whether I would be in order to quote from a book I hold in my hand called 'The New Freedom,' by Woodrow Wilson, President of the United States.

“The Court.— I will grant you that permission.

“Mr. Debs.— I want to show the gentlemen of the jury, if I can, that every statement I made in my Canton speech is borne out in this book by Woodrow Wilson, called ‘The New Freedom.’ It consists of his campaign speeches while a candidate for the presidency. Of course, he uses different language than I did, for he is a college professor. He is an educated gentleman. I never had a chance to get an education. I had to go to work in my childhood. I want to show you that the statement made by Rose Pastor Stokes, for which she has been convicted, and the approval of which has brought condemnation upon me, is substantially the same statement as made by Mr. Wilson when he was a candidate for the presidency of the United States.

(Reading) “‘To-day, when our government has so far passed into the hands of special interests; to-day, when the doctrine is implicitly avowed that only select classes have the equipment necessary for carrying on government; to-day, when so many conscientious citizens, smitten with the scene of social wrong and suffering have fallen victims to the fallacy that benevolent government can be meted out to the people by kind-hearted trustees of prosperity and guardians of the welfare of dutiful employees — to-day, supremely, does it behoove this nation to remember that a people shall be saved by the power that sleeps in its own deep bosom, or by none; shall be renewed in hope, in conscience, in strength, by waters welling up from its own sweet perennial springs.’

“So this government has passed into the hands of special interests. Rose Pastor Stokes’ language is somewhat different. Instead of ‘special interests’ she said ‘profiteers.’ She said that a government that was for the profiteers could not be for the people, and that as long as the government was for the profiteers, she was for the people. That is the statement that I endorsed, approved and believed in with all my heart. The President of the United States tells us that our government has passed into the control of special interests. When we Socialists make the same contention, we are branded as disloyalists, and we are indicted as criminals. But that is not all, nor nearly all.

(Reading) “ ‘There are, of course, Americans who have not yet heard that anything is going on. The circus might come to town, have the big parade and go, without their catching a sight of the camels or a note of the calliope. There are people, even Americans, who never move themselves or know that anything else is moving.’

Just one other quotation. (Reading):

“ ‘For a long time this country of ours has lacked one of the institutions which freemen have always and everywhere held fundamental. For a long time there has been no sufficient opportunity of counsel among the people; no place and method of talk, of exchange of opinion, of parley. Communities have outgrown the folk-meet and the town-meeting. Congress, in accordance with the genius of the land, which asks for action and is impatient of words,—Congress has become an institution which does its work in the privacy of committee rooms and not on the floor of the Chamber; a body that makes laws — a legislature; not a body that debates — not a parliament. Party conventions afford little or no opportunity for discussion; platforms are privately manufactured and adopted with a whoop. It is partly because citizens have foregone the taking of counsel together that the unholy alliances of bosses and Big Business have been able to assume to govern for us.’

“ ‘I conceive it to be one of the needs of the hour to restore the processes of common counsel, and to substitute them for the processes of private arrangement which now determine the policies of cities, states, and nation. We must learn, we freemen, to meet, as our fathers did, somehow, somewhere, for consultation. There must be discussion and debate, in which all freely participate.’

“ Well, there has been something said in connection with this about profiteering — in connection with this indictment. (To the Court.) Would it be in order for me to read a brief statement, showing to what extent profiteering has been carried on during the last three years?

“ The Court.—No. There would be no consensus of opinion or agreement upon that statement. It is a matter

that is not really in the case, and when you go to compile a statement you are then undertaking to assume something without producing evidence to substantiate it.

“ Mr. Debs.— Now, in the course of this proceeding you gentlemen have perhaps drawn the inference that I am pro-German, in the sense that I have any sympathy with the imperial government of Germany. My father and mother were born in Alsace. They loved France with a passion that is holy. They understood the meaning of Prussianism, and they hated it with all their hearts. I did not need to be taught to hate Prussian militarism. I knew from them what a hateful, what an oppressive, what a brutalizing thing it was and is. I cannot imagine how anyone could suspect that for one moment I could have the slightest sympathy with such a monstrous thing. I have been speaking and writing against it practically all my life. I know that the Kaiser incarnates all there is of brute force and of murder. And yet I would not, if I had the power, kill the Kaiser. I would do to him what Thomas Payne wanted to do to the King of England. He said, ‘ Destroy the King, but save the man.’

“ The thing that the Kaiser embodies and incarnates, called militarism, I would, if I could, wipe from the face of the earth,— not only the militarism of Germany, but the militarism of the whole world. I am quite well aware of the fact that the war now deluging the world with blood was precipitated there not by the German people, but by the class that rules, oppresses, robs and degrades the German people. President Wilson has repeatedly said that we were not making war on the German people, and yet in war it is the people who are slain, and not the rulers who are responsible for the war.

“ With every drop in my veins I despise kaiserism, and all that kaiserism expresses and implies. I have sympathy with the suffering, struggling people everywhere. It does not make any difference under what flag they were born, or where they live, I have sympathy with them all. I would, if I could, establish a social system that would embrace them all. It is precisely at this point that we come to realize that there is a reason why the peoples of the various nations are pitted against each other in brutal warfare instead of being united in one all-embracing brotherhood.

“ War does not come by chance. War is not the result of accident. There is a definite cause for war, especially a modern war. The war that began in Europe can readily be accounted for. For the last forty years, under this international capitalist system, this exploiting system, these various nations of Europe have been preparing for the inevitable. And why? In all these nations the great industries are owned by a relatively small class. They are operated for the profit of that class. And great abundance is produced by the workers; but their wages will only buy back a small part of their product. What is the result? They have a vast surplus on hand; they have got to export it; they have got to find a foreign market for it. As a result of this these nations are pitted against each other. They are industrial rivals — competitors. They begin to arm themselves to open, to maintain the market and quickly dispose of their surplus. There is but the one market. All these nations are competitors for it, and sooner or later every war of trade becomes a war of blood.

“ Now, where there is exploitation there must be some form of militarism to support it. Wherever you find exploitation you find some form of military force. In a smaller way you find it in this country. It was there long before war was declared. For instance, when the miners out in Colorado entered upon a strike about four years ago, the state militia, that is under the control of the Standard Oil Company, marched upon a camp, where the miners and their wives and children were in tents. And by the way, a report of this strike was issued by the United States Committee on Industrial Relations. When the soldiers approached the camp at Ludlow, where these miners, with their wives and children were, the miners, to prove that they were patriotic, placed flags above their tents, and when the state militia, that is paid by Rockefeller and controlled by Rockefeller, swooped down upon that camp, the first thing they did was to shoot those United States flags into tatters. Not one of them was indicted or tried because he was a traitor to his country. Pregnant women were killed, and a number of innocent children slain. This in the United States of America — the fruit of exploitation. The miners wanted a little more of what they had been producing. But the Standard Oil Company wasn't rich enough. It insisted that all they

were entitled to was just enough to keep them in working order. There is slavery for you. And when at last they protested, when they were tormented by hunger, when they saw their children in tatters, they were shot down as if they had been so many vagabond dogs.

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

“Five gentlemen of distinction, among them Professor John Graham Brooks, of Harvard University, said that a word that so fills the world as the I. W. W. must have something in it. It must be investigated. And they did investigate it, each along their own lines; and I wish it were possible for every man and woman in this country to read the result of their investigation. They tell you why and how the I. W. W. was instituted. They tell you, moreover, that the great corporations, such as the Standard Oil Company, such as the Coal Trust, and the Lumber Trust, have, through their agents, committed more crimes against the I. W. W. than the I. W. W. have ever committed against them.

“I was asked not long ago if I was in favor of shooting our soldiers in the back. I said, ‘No, I would not shoot them in the back. I wouldn’t shoot them at all. I would not have them shot.’ Much has been made of a statement that I declared that men were fit for something better than slavery and cannon fodder. I made the statement. I make no at-

tempt to deny it. I meant exactly what I said. Men are fit for something better than slavery and cannon fodder; and the time will come, though I shall not live to see it, when slavery will be wiped from the earth, and when men will marvel that there ever was a time when men who called themselves civilized rushed upon each other like wild beasts and murdered one another, by methods so cruel and barbarous that they defy the power of language to describe. I can hear the shrieks of the soldiers of Europe in my dreams. I have imagination enough to see a battlefield. I can see it strewn with wrecks of human beings, who but yesterday were in the flush and glory of their young manhood. I can see them at even-tide, scattered about in remnants, their limbs torn from their bodies, their eyes gouged out. Yes, I can see them and I can hear them. I look above and beyond this frightful scene. I think of the mothers who are bowed in the shadow of their last great grief — whose hearts are breaking. And I say to myself: ‘I am going to do the little that lies in my power to wipe from this earth that terrible scourge of war.’

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

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

“Gentlemen, I am the smallest part of this trial. I have lived long enough to appreciate my own personal insignificance in relation to a great issue, that involves the welfare of

the whole people. What you may choose to do to me will be of small consequence after all. I am not on trial here. There is an infinitely greater issue that is being tried today in this court, though you may not be conscious of it. American institutions are on trial here before a court of American citizens. The future will tell.

“And now, Your Honor, permit me to return my hearty thanks for your patient consideration. And to you, gentlemen of the jury, for the kindness with which you have listened to me.

“My fate is in your hands. I am prepared for the verdict.”

(Whereupon, at 1:05 P. M., the Committee recessed until 2:30 P. M.)

AFTERNOON SESSION, 2:30 P. M.

Mr. Stedman.—Mr. Chairman, concluding with the Debs record, portions of which were read by counsel for the affirmative, the court in asking Mr. Debs why sentence should not be pronounced upon him, he said:

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

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

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

“ Let me call your attention to the fact this morning that in this system 5 per cent of our people own and control two-thirds of our wealth, 65 per cent of the people, embracing the working class who produce all wealth, have but 5 per cent to show for it.

“ Standing here this morning, I recall my boyhood. At fourteen I went to work in the railroad shops; at sixteen I was firing a freight engine on a railroad. I remember all the hardships, all the privations, of that earlier day, and from that time until now, my heart has been with the working class. I could have been in Congress long ago. I have preferred to go to prison. The choice has been deliberately made. I could not have done otherwise. I have no regret.

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

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

be charged to Nature; it is due entirely to an outgrown social system that ought to be abolished, not only in the interest of the working class, but in a higher interest of all humanity.

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

“Your Honor, the 5 per cent of the people that I have made reference to, constitute that element that absolutely rules our country. They privately own all our public necessities. They wear no crowns; they wield no scepters; they sit upon no thrones; and yet they own our economic methods and our political rulers. They control this government and all of its institutions. They control the courts.

“The 5 per cent of our people who own and control all of the sources of wealth, all of the Nation’s industries, all of the means of our common life — it is they who declare war; it is they who make peace; it is they who control our destiny. And so long as this is true, we can make no just claim to being a democratic government — a self-governing people.

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

“John D. Rockefeller has today an income of sixty million dollars a year, five million dollars a month, two hundred thousand dollars a day. He does not produce a penny of it. I make no attack upon Mr. Rockefeller personally. I do not in the least dislike him. If he were in need, and it were in my power to serve him, I should serve him as

gladly as I would any other human being. I have no quarrel with Mr. Rockefeller personally, nor with any other capitalist. I am simply opposing a social order, in which it is possible for one man who does absolutely nothing that is useful, to amass a fortune of hundreds of millions of dollars, while millions of men and women, who work all of the days of their lives, secure barely enough for existence.

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

“There are today upwards of sixty million Socialists, loyal, devoted adherents to this cause, regardless of nationality, race, creed, color or sex. They are all making common cause. They are all spreading the propaganda of the new Social order. They are waiting, watching and working through all the weary hours of the day and night. They are still in the minority. They have learned how to be patient and abide their time. They feel — they know, indeed — that the time is coming in spite of all opposition, all persecution, when this emancipating gospel will spread among all the peoples, and when this minority will become the triumphant majority, and, sweeping into power, inaugurate the greatest change in history.

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

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

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

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

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

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

“I am prepared to receive your sentence.”

The witnesses who have been examined in this case — Assemblymen and others — have, in response to questions asked of them whether they favored Mr. Debs as the candidate for President at the coming presidential election; without exception those who have been so interrogated have responded in the affirmative. It was stated that the beliefs of Mr. Debs personified and represented the spirit, the purpose and the object of the Socialist movement. As nearly as it can be portrayed, from what he has said and the charge against him we gather his intent, his motive and his ideal. It is not anti-national; it is not destructive in the sense of a ruthless, barbarous upheaval. It is not a mode of warfare of the sword. He has no conception of Jesus with a dagger in his teeth. He believes in the power of moral suasion, and in this declaration he makes the statement most emphatically, as he has throughout his entire life, that in a government where the voice of the people is the voice of God, some time the truth would prevail for all time, until it served the great majority of the people.

He has faith in the people of his country, faith in their intelligence. He represents in a sense the movement. Perhaps he represents it more completely than any other man in this country. The fact that he is convicted does not change the fundamental purposes and objects for which he stood. Let's remember one thing as we pass that, that under the Espionage Act, a man can be found guilty for any expression, any statement, any facial con-

tortion, and wink that can be interpreted into conduct constituting the production in the mind of a prospective conscript of a feeling of aversion to enlistment. In other words, if a man is present in an assembly and you mention the horrors of war, you can be convicted, because the jury will say, To mention the horrors of war — and I am not drawing on my imagination, but from actual cases — to mention the horrors of war is likely to deter a man from enlisting. He may not be so anxious to go. That constitutes an obstruction to the recruiting and enlistment service, especially the recruiting service. A man who stated that the people of this country, if they could have voted on war, would have voted against it and the profiteers were interested, is convicted. For the most trivial circumstances and conduct men have been convicted. If a man in a city in northern New York should denounce profiteers you would have no great difficulty before a jury in arguing that he denounced the profiteers, this man who was making this speech, and what do you think our boys will think if they are going to Europe, if they hear that men are remaining here and making money in this war; what will be the effect on their minds? They will say, “While we are giving our lives men are filling their pockets with pelf. That is the effect of denouncing profiteers at home. We are red-blooded Americans. Wave the flag. Three cheers. Sing the National Anthem,” and I can convict him before any American jury in this country every time. I point out by that how easy under this law any statement can be interpreted by biased and prejudiced jurors who see but one side. Why should you discourage a prospective recruit, a man thinking of enlisting? Any circumstances which will do it can be interpreted and is interpreted into a violation of this Act. You must remember that the important effect is the effect on the mind of the person who is thinking of enlisting and it is for the jury to speculate as to what effect it has. You tell the jury, “Gentlemen, that is the effect it has on the average mind?” Not at all. The prosecuting attorneys are too shrewd for that. They say, “Gentlemen, it wouldn’t affect you; you are too wise and smart, but what effect is that going to have upon the youthful boy that don’t know and understand? He will only see this one thing.” I use the incident of profiteers to show what would be done under this act and what any man can do who can make a speech to a prejudiced jury for about thirty minutes. Human prejudice is a peculiar thing. You have an idea and the idea is new; it is not open to it. It is like land parched and cracked amid a hot and torrid sun.

Nothing grows and flourishes except cactus, and nothing lives there except serpents and lizards. It hasn't the power of receiving new thoughts. It is not a cultured soil and is not capable of accepting any new ideals, and when that is aroused to rage then, gentlemen, there is no chance, the verdict you may count before they are sworn and before even the indictment is drawn.

Mr. Debs, no one could conceive of, as a man who was supporting Prussian autocracy. So, while they may have testified that he was their candidate for President, I hope the Committee will not for a moment view the fact that he is convicted and assume that that in itself disqualifies him from the most profound respect of those who know him personally and those who think that he is an exemplary representative of the movement, its spirit and its purpose.

What I have called your attention to in reviewing these cases really has nothing to do with the merits of this controversy. Whether a man believes that Debs would be a good candidate or not does not weigh one jot in determining whether or not he is qualified to sit in this Assembly. It does not weigh one jot as to whether that man believed in overthrowing the government of the United States by violence. That is entirely outside of that.

Mr. Conboy suggests that the members of the party should suffer for the party attitude. That, ordinarily, would be rather a harsh rule. Persons affiliated with the Democratic and the Republican parties would hesitate very much to suggest that all the members of the party should accept as gospel, as a creed, as a principle of faith, the declarations and platforms of their parties. In a general way it may accept their principles. For instance, in our case here Solomon says that he would re-word the platform; the basic economic facts, however, he would accept. It is suggested that the party was treasonable and disloyal and as a party was disloyal, and so the members who belonged to it naturally adopted that. That formed the greater portion in substance of Mr. Conboy's attack upon the defendants. I have pointed out that there has been no prosecution sustained for the issuing of that document, the proclamation and war program. If it had been treasonable some prosecution would have taken place. He says that the record in the anarchist case shows that the workers there announced the doctrine that they were not justified in taking up arms except for the purpose of freeing themselves from class rule. There is no such word, sentence or paragraph,

in the entire record of the Anarchist Case. Spies never announced it; Parsons never announced it; England never announced it; none of them announced it, and it grew out of conditions entirely different from a war-situation where that language would have been possible. We haven't time to go into the eight-hour movement; we haven't time to go into the strikes that lead up to it; but it is not in evidence here and it is not correct. I do not know where he secured his information, but I say it as one familiar with the record in that case.

Mr. Conboy referred to the Franco-Prussian war — you see, we have been traveling all over the world, backwards and forward — but it reminded me of one very important fact; the French house elected previous to 1851, to hold themselves in power, drafted a law to perpetuate themselves. It was a national representative body. When they drafted that law to perpetuate themselves, the people began to revolt, and they revolted by rallying around Napoleon III. In other words, a Republic, a legislative Assembly, violating the constitution, violating the rules, violating the law of France, took the position of executive persons who were elected to that assembly; in other words, avoiding elections altogether, I should say. The result was the election of a King, the creation of a new dynasty.

We pass, then, on to 1871, to the fall of Napoleon; and let me call your attention to the fact that when that war took place, Babel and Liebknecht and the Socialists of Germany opposed it and voted against appropriations for it, and they were not expelled from the Reichstag for so doing. And at the same time the French Socialists were opposed to that war. I am pleased that he referred to it for it gives me an opportunity of explaining that fact. He says two thousand members of the Socialist Party had been arrested. There is no evidence — well, there is a bill in; I do not know whether it said that or not; but if it does, it is a mistake — but supposing there were two thousand arrested under this law; the fact that they were arrested does not prove that these persons are violators of the law any more than the fact that there were three thousand murderers in Chicago last year, all of whom were Democrats and Republicans — and maybe Prohibitionists, but no Socialists; we all know when they get into trouble — any more than the fact that those three thousand murderers being Democrats and Republicans indicates that the Republican and Democratic parties believe in crime. Go down to the penitentiary and get the history of the birds there, and you won't find any Socialists.

Assemblyman Cuvillier. — We have one now.

Mr. Stedman. — Well, once in a while, as circumstances change, white doves find themselves in a flock of crows; but the point I am making is the logic of the situation, the sophistry. Why it is almost the same as when you say you cannot move because you cannot move in the space you occupy and you cannot move in the space you do not occupy; therefore, you cannot move. Therefore they say, "A Socialist is in jail; hence all Socialists are traitors." They take the Standard Dictionary and take "traitor" and "disloyal", and after they have ten or more, they have a regiment. That is their logic.

Now, we are quite willing to say that if two thousand Socialists had been arrested, we are guilty, if the Republican and Democratic parties are willing to assume the burden of the deeds of all Republicans and Democrats who violated the laws; and then perhaps we will reach a basis of mutual forgiveness and start afresh.

Then he talks of the minority report, of the Russian Communists and Spartacans; that is, that the Socialists said that the Spartacans and Communists should be admitted into the Internationale before they would go. Well, what do we know about the Spartacans? What is so bad about them? I do not know as there has been any evidence introduced in this case, except it has developed from some of the evidence that two of them lost their lives; but if they exist so they can send representatives to an Internationale in their country, they exist, then, as a legal party in their country. The Spartacans, in order to organize and send a representative to an International, show, first, that they are not outlaws in Germany. If Germany can tolerate them as a legal organization, with what grace does it come from us in the United States — we real, genuine Americans who believe in liberty — to say, while Germany recognizes them as a legal body and permits them to send representatives, we, an Assembly in the United States, in the City of Albany, to say, "No, sir. If you associate with those bad boys, we will disown you. We propose to select your companions in International assemblies."

Communist of Russia? Why should not they be present? At the present time they seem to be the majority party. But they have been terrible. They have killed a lot of people and have been killing each other. Why, gentlemen, if those Bolsheviki had been killing each other by the hundreds of thousands, Wall

Street would have given a banquet on every corner around their buildings. The fact is that they have not, and that is the trouble.

What is the situation there? You had Kolehak, whom the American officers reported as a brutal man. To their credit, no assistance was rendered. There were Chinese troops also. Then you had Denikine, supported by the French. Then you had Yudenitch, supported by the English — all those armies — and yet Russia seems at the present time to be successful and we are discussing the question of making peace and entering into commerce with her. Now, you might at least give the Socialists a chance to meet the Communists. Today it is a race as to whether Washington or the Socialist Party meet them first. The chances are that a peace with them will be negotiated. And I can see just what will happen, too. When you go along a few years more, a drummer who goes over there representing a harvesting machine company will say, "Why, we were always with you. Don't you know Morris Hillquit? He is a good friend of mine. We have always sympathized with you. Won't you give me an order for a few harvesting machines and some other utensils?"

Mark you, within the next year and a half your drummers in Russia will be using Socialist names to get business.

We cast our lot with Moscow, says Mr. Conboy. What right has he to dictate with whom we shall cast our lot, whether we should cast it with Moscow or the Berne Conference or any other Conference? Do we dictate to the labor unions and say, "Mr. Orlando, you went to Europe and united with the labor forces of Europe in connection with the regulation of seamen. You went to Germany, because the Germans would not consent to the arrangement as a national proposition. You went to La Follette, asking him to change the law in relation to seamen. But the action was international, and necessarily so, because boats traveling from place to place and country to country, in all the seas and highways, they would be sometimes in the Port of Liverpool and another time in Cork, and the Port of Calcutta, and they had to have an International arrangement to bring that about. That was their union arrangement. That has been equally true of the farmer. Do you know that the farmers of the United States sent delegates not long ago to study the proposition of intensive farming and forming an international association, in which the intensive farmers of Italy cooperated? What is the answer? The answer is: These people went over there to do good. They went

over there to learn how to raise more beets in a given space of ground. They went over there to make laws for the regulation of seamen. But what are the Socialists going over for? Why, they are going over just for the purpose of overthrowing the country."

Now, gentlemen, the Socialist Party has a million voters. During all that time they have been publishing papers and making speeches. Of course, they are supposed to have an invisible empire, but the trouble with Socialists is not to get them to tell all they know. The miracle would be to find any who could keep a secret. Whenever they meet a man, in the tramcar, or street-car, they are always propagandists. They are not conspirators who meet in some subterranean hole. Is there any evidence here that they bought any bombs? Is there any evidence here that they bought any guns?

Assemblyman Cuvillier.— Bombs or bonds?

Mr. Stedman.— Some of them, Mr. Cuvillier, have paid one hundred cents on the dollar for bonds purchased from elevator boys and poor people, paid one hundred cents on the dollar, while banks, with the Stars and Stripes floating above them, were buying them at a discount of 79 per cent.

Assemblyman Cuvillier.— Not Mr. Hillquit, though.

Mr. Stedman.— I am not answering for Mr. Hillquit. When I am asked a question I answer of my own information and not from hearsay, and I have not seen him either buy or sell. The instances I refer to I know of.

Did they buy any guns or rifles? Oh, but 1909, eleven years ago, Victor Berger wrote an editorial on ballots and bullets. In other words, he insisted that you might have to resort to rifles to make your ballot count. While it might have been an inexpedient article, these assemblymen are not responsible for that. It wasn't a party position any more than the Republican party would want to stand for some of the articles of Horace Greely. But that article is closely associated with an incident in this case which I think of some importance.

August Claessens, representative-elect to this House, made a speech. That evening, or the day before, I think it was the same evening, he had gone from booth to booth, or, as you call them, I believe, election districts, and in there he met what he describes

as guerillas and dope fiends. They were robbing the Socialist party candidates of ballots to which they were entitled. The polluting of the ballot box, and a destruction of vote is not the mutilation of a piece of paper. It is the destruction of the individual's opinion just as much as though he was there and proclaimed it.

The sacredness of the ballot box and its purity is more important than that of a legislative assembly, than that of the courts, or the highest executive office. All of those may come filled with different men and go. They may be dishonest — and yet we can outlive the outrage of the law. But, if you once tolerate for a moment, with acquiescence and silence and approval the pollution of the ballot box, the very heart of your entire system, then your country's days are numbered. If this was an age of miracles I would believe in the ballot box as the ark of the covenant, and a man that touched it with a dishonest hand ought by shafts from heaven to fall dead.

When Claessens was on the stand here and he mentioned the holy and righteous indignation which he felt at that outrage he was questioned, he was questioned, sir, upon his expressions, but there came not one word of symbol or protest from those who examined him at the infamous outrage, and by innuendo you are asked to turn him out of the door because he protested against the ruffians rifling of the ballot box in his district. No more monstrous conception in ethics, law and civil government has ever been suggested to a legislative body or this Committee than that. He may have been indignant. It may have been a side remark, and he followed it with a peaceful suggestion, but if he had said nothing of the kind I say that his indignation was proof of the highest type of patriotism and loyalty to the sanctity of the ballot box, and it is no credit that it passed by without even a single word of censure or criticism up to the present time. Mr. Conboy has talked for a day. He has mentioned that speech of Claessens. He never referred to its justification. He never referred to the fact that the circumstances would have acquitted him of a much greater statement and even open conduct. Let me call your attention to a little history. Perhaps some of you have read the life of Ben Butler. He was running in Lowell, and when he was running in Lowell the manufacturers in the textile industries put a sign up: "You vote for Ben Butler and this factory will be closed to-morrow."

He called a meeting assembled in the hall, and among his remarks he said this:

“I warn the manufacturers of Lowell to take that sign down by to-morrow morning, or I shall apply the torch to my own home, and make Lowell the fishpond, without build-ings, but with shacks, which it was a hundred years ago.”

That was the statement of the man who believed in the free and untrammelled expression of every sovereign citizen, because sovereign citizenship means nothing else except sovereignty at the ballot box; because we are not of equal size, equal mentality, equal capacity, it was the voice of a sovereign citizen, and it is there above everything else, that the purity of our institutions must be maintained.

“It will be no credit to this Assembly, no honor to the men here exercising their office, to say to the people of the State—the people of the United States, “Claessens was robbed by ruffians; Claessens was defeated, except in one last polling place, by not giving him the main support, the balance to which he was entitled; and we, the Legislature, now say, ‘Crooks, go on; you are all right. Claessens made a speech that we do not like, so you may rifle the ballot boxes to your hearts’ content.’”

And if a man, in indignation, says a word against it, an Assembly will try and choose better society than his.

Mr. Conboy says that we will not support or defend this country. How foolish that is! A man will defend in the last analysis, what is to his economic interest,—the economic interest of the great mass of people right in this country, whether we have said they would not or they would, whether Mr. Conboy would say they would or would not, would not change it at all. The people who have their homes here, in the last analysis, will fight for those homes. Yes, in the language of Robert Ingersoll, a Republican, by the way and an atheist, “they will fight for their boarding houses.”

And they would do it, no matter whether Socialists, Democrats or Republicans. We human beings are not moved by such greatly different motives. We act different, because we have a different intellectual method of gratifying our selfishness. You are all

equally selfish and moved by selfish impulses, altruistic, egotistic, indirect, but nevertheless, it is sense satisfaction that moves us all. It may be by doing the greatest kindness we get it, and it may be that by grasping that we have that sense. Yet we are moved by it, and our intellectual method of satisfying that is what distinguishes us one from the other.

This party is a continuing act of treason. The more members we get I suppose he thinks the more treason we will have. I really wonder what his conception of treason was; -- I regret he didn't define it. This country has had about seven hundred thousand private and public persons in the Department of the United States, the Secret Service Department of the United States. All this time during this war people have been listening to what the fellow would say on the street corner. One man came back with a fishing rod but no fish, and he was asked if he got any fish, and he said, "No, this is a hell of a country." And he was indicted, and had a hard time to get out of it (laughter). They sifted all the mail, looked at it and passed it over, mail from out of the country and into the country and south, and later on they put a stamp on it so that you would know it had been opened. But they were watching everything. The Protective League, oh, Heavens! we had them all over the country. Each man wanted to prove he was an angel by trying to spot some one. But with all that, there was no socialist indicted for treason or charged even with treason, but Mr. Conboy finds ample evidence of it. The Attorney-General's office of the United States overlooked a great find, a man who can find conspiracy as easily as Mr. Conboy when the Government's special sleuths and Hawkshaws have for two years been unable to find any. They overlooked a great bet. He belongs in that office. He says, "supposing foreign powers threatened to tear down the United States. Would the Socialists refuse?" What does he infer, that Germany was about ready to tear down and destroy the United States? That is very debatable whether they were about ready or not ready, but if there is any foreign power about ready to tear down the United States, you would find the Socialists ready to defend it, and you would find the Socialists in the country that proposed to tear down the United States in opposition to the war of their country. They used to say, "Why ain't you like the Socialists of Germany that are opposed to the Kaiser; why don't you openly approve the war in opposition to the Kaiser?" Then he says Bolshevism means the rule of the minority. I don't know where he gets that.

Supposing it does mean the rule of the minority. If the Russian people want a minority to rule, that is their business. If they have one hundred million people and they want them to rule, that is their affair. Oh, but, you say, that is done with force and armies. It is. They had an army of about twelve million. They reached a point where they were in a situation, when the army was coming back defeated, and before the Brest-Litovsk Treaty, they asked the United States to support them and carry on an offensive. They refused to do it. Then the Russians did what? They sowed tons of literature in the army of the Germans. The German Army became infected and developed Spartacides, so infected that General Hoffman and General Ludendorf both stated that the Russian influence upon the German soldiers had destroyed the esprit de corps of the soldiers, and they could not use them on the Western front. A thing that saved the American boys' lives more than anything else is that at the fall of the Czar at the back-door of Germany, close to the great junker dominion in Germany, threatened by its influence and its power, the junkerism and the existence of the Kaiser and the whole thing commenced to collapse, which goes to show that pamphlets and leaflets — and another thing right along there, let me tell you — strange that when the Germans and Russians wanted to exchange with each other conversation across the trenches it was always stopped, and that was equally true between the German and the French. Both French and English and German refused to permit the men in the trenches to talk with each other, and at the same time the European powers, including the United States, refused to permit a conference to be held composed of men representing the working classes of their various countries. Strange, soldiers not talk with each other. Why? Because they might suddenly realize what they were in the trenches for and find a common basis of mutual friendship.

Though the Russian peace released the German army, it released an army that was worthless for imperial purposes, and helped to undermine its institutions.

Then he goes on to the Soviet Constitution, and he remarks how the representative system exists. Gentlemen, how does a representative system exist, good, bad or indifferent?

What has that to do with us? He goes in to schools, marriages, divorces, economics, preachers, church property confiscation, and representation. Mr. Conboy argued all that. All right. The Russian Government took away the property from some of the

churches. So did the French Government, and it wasn't Socialists that did it. On the contrary, it was the small capitalists that did it. It was the class that is at the present time trying to choke the Socialists in the United States. Did not Henry the Eighth take away property of churches? What is Russia's crime? That she is behind the French about three hundred years? Supposing a few churches owned three-quarters of the State of New York. Of course, there are some who would say, "I think that is all right." Supposing there were some who didn't think it was all right, and said "no, I don't think the church should own the entire territory of the State," and we confiscated their property, and over in Russia some Russian Conboy-iski "Look what they are doing; they are taking away the church property and handing it back to the people; they are either serfs of the church or serfs of the State. Splendid logic!

Then the marriage system. They have a system there where people agree with it. They can separate. A horrible thing. A terrible thing. But, they do it in Sweden. Why not draw a resolution against Sweden? They ought to say to the Socialists you cannot go where Swedes go in a national conference. Why? Because Swedes were opposed to war. The Swedes in Norway and Sweden prevented war when these countries separated, and prevented building forts along the line that separated the two countries. They are against war. They have kept their country out of this war. They have not been in a war for one hundred and thirty years, and the average Swede lives longer than the average American, and the mortality is not more than one per cent, while of actual born Americans it is over seven. We were startled when they took the statistics of the war.

They say the Socialists are disloyal if they try to associate with Swedes, because they have a marriage system that permits of separation by mutual consent. There is no more reason for having a grudge against Russians on that account than there is a grievance of Illinois having a grudge against New York. In Illinois we have several grounds for divorce, and in New York you have several more liberal grounds for divorce, and as a result much more promiscuousness.

The philosophy of internationalism is contrary to nationalism. Well, if you will take any book on the development of internationalism, you will find this, that the early attempts why internationalism failed was because there was not a highly developed

nationalism. Napoleon attempted, in relatively recent times, without going too far back, to organize the United States of Europe. He failed because, among other things, of the suppression of free speech, and the subsidizing of the press; and also that was not according to nationalism, but arbitrary means. Your Hague Conference is the development of nationalism. What is the development of law? Those advantages that make laws impossible, conduct, rules, regulations upon the individual, all precepts by the supreme power of the state commanding what is right, and prohibiting what is wrong. Substantially, a quotation from Blackstone. That is your first regulation. You cannot accomplish everything in a minute. You still have pirates, you still have duelling. You still have forms of outlawry that existed in previous times, slavery indentured system. Gradually that is done away with, and the state becomes supreme, and you have what you call the reign of law. They have laws imposing it upon the state legislative and judicial bodies. Then you have laws for interstate activities. Then laws for international activity—two Dutchmen, and one best-known, Grotius, formulated his theory on the laws of nations that develops, and always generally did develop, after terrific wars and great losses. So after this one, we say we are going to have an international. Internationalism is between nationalism. The very word implies it.

You cannot have internationalism without a responsive, a strong, a loyal and obedient national state. You cannot have it on any other basis. It failed in a measure in the past because they attempted to have internationalism; the quadruple alliance, the Holy Alliance, based on the strength of countries which held many other countries in subjection. When Mr. Wilson announced the proposition, when the Russians announced it before self-determination. They announced the very first and essential principle of internationalisms. And it develops in a more or less federated way.

The Socialists are subject to the Internationale? Well, we are there again. Then, this mystic Internationale, the Internationale that sends out its secret agencies. I have looked in vain to find the secret agencies and at last I thought of it. Mr. Littleton said the secret agencies were in Moscow and other places, in New York and Milwaukee. Then I thought of Moscow and of New York and of Milwaukee. Then I thought of Lloyd and of eggs. They gave orders in Moscow. They were relayed to New York and from

there to Milwaukee, and from there to the egg camp. But here is his secret agency. What did he do with it? He left it hanging in the air like Mohammed's coffin, wafted around by beautiful zephyrs of phraseology, and it has never landed, up to the time that he landed in Michigan. Everyone can go to these secret agencies. The doors are open. You can walk right in. You get the Moscow Manifesto; you get the resolutions; you know they are discussing immigration; you know they are discussing enfranchisement, shipping, all of the things that would interest labor bodies in different countries. It is all open — no secret — no secret conspiracy that we have discovered, that England has discovered, that France nor any others. In France do they say the secret Internationale? They are not so silly. The people go there and go around and look at them. The same in England. The Internationale isn't something that is difficult to find. Any man can find it if he wants to find it. Even Collins found it. Collins never had to go far to get information. He got it from meeting Socialists on the street. He asked, "Married or single." "I am single." I tell you the Socialists are against the marriage system. Next move: he walks in the door of the Rand School, solemnly swears Mr. Collins. He is asked: "Where did you get your information?" "In the corridor of the Rand School." He testifies as though he got it in the corridor or the basement. Scott Nearing wanted a Soldiers' and a Workers' Council and Defense. Can that be charged up against these Socialists? Some Socialists want Prohibition and some do not. Can that be charged up against these Assemblymen, because some want one thing and some another? You cannot charge that to the Assemblymen. That is not a party position. Then we heard again the expression "our boys." Only Democrats and Republicans seem to have "our boys." I want to say that "our boys" are the boys of the mind, in the shops and factories, in the stores, in the mills, all over this country. No man here speaking has any monopoly upon the statement of "our boys." And those in this country who are endeavoring to minimize the destruction of life among those boys have at least a moral claim on them greater than those who are not so anxious to do that.

The Internationale! Oh, yes; we are back there again: I am just taking up the notes as they come. We get back to the Internationale. They adopt a resolution. We never approved its constitution nor policy, but expressed our sympathy with them;

and, by the way, gentlemen, do not forget that that referendum was adopted after these proceedings were commenced. If you say they endorsed the Internationale, our reply is, that is not in the charge. The charge for that should have commenced last week instead of the seventh week, if we are to have that. Then there was the collapse of the other Internationales that he went into. He quoted from the Socialists who spoke about the attack of capitalists, saying that we must answer blow for blow. In the first place, it was answered blow for blow. And second, how trivial it is. After a while, when we go around making political speeches, if we say we are going to smash the enemy — in parentheses — “by peaceful means,” we are going to wallop our opponent — by peaceful means — and strictly according to the law, that is the way we shall have to make our speeches and draw our platforms; and you say to us, “by all possible means.” Do you know, if we had asserted in that platform the words “legally and lawfully” what it would have meant? You are enough psychologists to know that. If we had put in “legally and lawfully” you would have said, “You put it in to emphasize the opposite.” Then you would have been correct, because a political party is presumed to be a lawful institution. Its platforms are presumed to be legal platforms, and within the constitutional and statutory provisions of the State and the nation. And we relied on that presumption, and had we said, “By all legal means,” under the circumstances you would have doubted it, you would have questioned it. It might be well enough to insert that, but “by all lawful means,” mean in addition to making petitions, holding meetings, demonstrations, of which there are countless numbers of methods. You would be surprised how many until you began to get letters suggesting the getting out of leaflets, getting out of pictures, getting out advertising, getting radical papers to take up your views,— a hundred and one methods of doing it.

I might say that the party has never been accepted by the Internationale, and I assume your answer would be to that, that makes no difference, because your endorsement shows your frame of mind.

Oh, yes; we must not forget sabotage. Sabotage we left out of the platform because it was no longer an issue. Mr. Hayward had been out of the party for many years. There was no contention between the right to use individual action in the party. It was omitted. Counsel argues that it was omitted for the purpose

of deceiving. I will show you why it was not. Mass action is the very negative of individual action, and sabotage basically is individualistic action. It emphasizes the act of the individual, on his own responsibility, without orders from his union or his organization, as within his proper province, in his method of warfare. And as a contradistinction to that — mass action — the word was inserted, and that is “groups” of some proportions and some size. You change your platforms and change your resolutions. We are assembled here in this party and we say we are going to draw a platform. We agree to draw our laws and what do we draw them to meet, but what is in the minds of the people at that present moment. That is what we draw it to meet at that time. Mass action has accomplished some things in one or two places. In Belgium by mass action they accomplished the franchise. In France and in England it has accomplished something. It may be speculatively browbeating the Legislature into an act which persons in that industry may regard as proper and necessary at the time, because, after all, people in a legislative body through elections would represent the great mass of the people, but there might be instances where it could be used.

The American Federation of Labor, he says, is villified. Mr. Debs criticized the American Federation of Labor. He criticized its mode of operation and that would come quite natural to him. Let us take his life. Mr. Debs was in the railroad service. When there was a strike the engineers, firemen and others would work where the fellows upon a slippery boxcar turning a brake in the winter time and climbing up and down in the summer time — when that man went on strike the others went on working — and it was impossible for him to win. They had at one time the Gould Southwest System on strike, and that occurred. Mr. Debs conceived the idea of having all the persons in one system in a union and it started the American Railway Union. He has been for years espousing the cause of industrial organization. You have it now in the miners’ organization, which is an industrial organization. The Amalgamated Clothing Workers is an industrial organization. Both of them are great, large and efficient organizations. He believed in that, and he was opposed to the American Federation of Labor.

Mr. Block.— May I interrupt you just a moment to say that it may interest Mr. Cuvillier to know that the brewery workers are also an industrial union.

Mr. Stedman.—Mr. Debs repudiated his former associates of the American Federation of Labor. Mr. Conboy was mistaken about that, because he didn't have any former associates in the American Federation of Labor. He helped to organize first the locomotive firemen. He broke down in health and they gave him money to go to Europe, and he left it in their treasury and refused.

Rousing the workers to crime — then Winnipeg. We were a little surprised to know that Claessens was there, because in the first place, he was not, but we did discover that in the record — someone said he was. But supposing he was or was not. What has that to do with this? The most important thing to call your attention to in reference to that is that while a man came here, described that Winnipeg was tied up by the unions, and when you tried to find out the cause that produced it he did not know. He went there and saw the milk routes tied up, the baker, the candlestick makers, the teamsters, so that you had to get a ticket. He went there and saw all the paralysis, the change in business, in industrial forms, and Mr. Mackay was asked, what was the cause and what was the reason of it, and he said, "I don't know." Think of a man going into a city, living there, noticing the street cars paralyzed, the street car system paralyzed, a man living in a town, neighbors there, friends there, acquaintances there, lodge brothers there, if he is a member of any associations —

Mr. Solomon.—Masons.

Mr. Stedman.—You tell me that. I didn't know that. Lodge brothers there; street cars tied up, no milk, no bread, except bread tickets, and he walks around and then goes away and this Christopher Columbus doesn't even know the causes that produce it. One thing is true or the other: either he wholly lacks the power of observation, or I should say of investigation, or the man did not tell the truth. Now you can take either alternative. Either he was exceedingly stupid or his veracity should be questioned. Take your choice. I take a little of both.

Then there is the Red Book. If there is anything that gives them the "jimmies" it is a book that is in red. I hope someone will find a method of changing the robin's breast, perhaps to green or yellow.

Then he says the Socialist Party sends out literature all down through the ramifications of its Federation. Well, it doesn't, and

the evidence shows it did not. They get out their own literature. What the translator-secretary does is to translate into the foreign languages the bulletins and pronouncements and so forth issued by the National Secretary. I wish, gentlemen, you could walk into the bookstore of the Finns way up north in Michigan, way up in the copper country, and when you walk in there and see the book shelves filled with books you will understand that the Socialist Party never could get them out. We are dealing with a different class of people. You find the most recent and the most profound works on economics. You find Eckhart, you find Boeckel, you will find Lester Ward. And talking to the miners there, one comes to me and begins to discuss with me how he and his wife have discussed with each other Lester Ward's pure sociology as they read it to each other. No, gentlemen, don't think the Socialist Party gets out literature for our foreign branches. We wouldn't sell among Americans one copy of Lester Ward in five or six years to the average American. It is too profound. He is too much interested in baseball. He is interested in that and the other people in something else. The men up there are reading the more profound, scientific literature. I do not say that prevails among all. I am speaking of the Finns. It is surprising, the character and the depth of the literature they refer to.

Now, this red book we knew nothing about; but if we did, an individual wrote it, an individual branch got it out. We knew nothing about it. We could not read that language, to our disadvantage. That is why some of these fellows have it over our Americans. These so-called foreigners come over here and speak two or three languages, and we have all we can do to speak one.

The Herald bulletin article, I had referred to that.

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

Whereupon at 3:45 o'clock P. M., recess was taken until 4 P. M.

AFTER RECESS, 4 O'CLOCK P. M.

The Chairman.— Proceed.

Mr. Stedman.— Mr. Claessens referred to crooks and stolen goods. That has been explained by him as meaning those who at that time assumed to be elected through the fraudulent elections which had taken place.

Mr. Conboy suggested that not all of the leaders of the party advocate violence so openly. There is one quotation, Mr. Block, that you had, which I want to quote:

Mr. Conboy stated that you are not trying these individuals for any individual guilt, but for the offenses of the party. Now, I submit if that is true, then they should be seated, because the only basis by which you can pass upon this case is to pass on each individual respectively, and that Mr. Conboy's statement is to be taken as a declaration and the attitude of their party, and you are to judge each man separately on his action, on his speeches, and not from any other method or any other rule. Then, there is nothing to do except to seat them; but perhaps that was a slip on Mr. Conboy's part, although he wrote his address and delivered it very deliberately.

Now, we come to Waldman. Waldman is in the Assembly and he introduced a large number of bills. They were constructive in their character. He spoke for them, he urged them. He entered into consultation with the various persons who were interested in those bills. He advocated their passage. Mr. Conboy suggests those bills were introduced for the purpose of camouflage, to cover up the real intent of violence. That is an inference without anything to back it up.

Ordinarily in law you have no right to condemn a man on an inference, and in that respect I ask you as to any single man in this case where have you any inference showing that they advocated force? I have referred to the incident of Claessens' speech which would not justify it, but I am leaving that stand for what it is worth.

Then reference is made to Waldman's speech at the convention in Chicago? What was the resolution under consideration? The proposition for armament, a proposition on enlistment, or I shouldn't say enlistment, on military training; military training in schools. What was his attitude? It was against military training in schools. How can you intrepert an argument against military training in schools as advocating physical violence? There is no way of interpreting it into that catagory no matter what argument he may use which he may feel will answer his purpose in defeating his proposition.

In other words, an assemblyman introduces a bill for military training in schools. The person arguing against this bill is very likely to use such an argument as he feels will accomplish his

purpose. He is not talking without a modium. Ordinarily, he will not meet directly the proposition with a limited and circumscribed statement of his reasons in opposition. He goes on sidelines, just as we have in this case. We have been traveling all over the universe. We have been traveling not only down the main stream of the Mississippi, but through every tributary. The tributaries are not the main current. His speech was not in opposition to military training. If he used it against the capitalists, that would be an entirely different proposition. He never had any meaning in that any more than a member of this house really meant when he suggested that he hoped that when the boys came back, they would keep some bullets for use. You all know that member. What would you think if a member of the House suggested they keep their bullets; would you really think he meant they should do it? You would not accept it, neither would any other sane man; and the suggestion as to how they might use them is a far different statement than proposing that they should use them for that purpose. The suggestion as to how a thing should be done is different from planning purposely such an object and supporting it. So that statement in the convention moves away from that.

His speeches were listened to; Claessens' speeches were listened to; the other members' speeches were listened to. They had been making them all over the country, in one town after another, all around New York. Who had been listening to them? Persons with a mind predisposed against them, persons with a prejudice against them, persons with a disposition that was hostile; so that any word from this man's mind which he could reconcile with his theory against them naturally would be accepted. And yet they were brought on the stand, and one man was asked: "Did they say anything seditious?" He answered: "No, if they had, I would have had them arrested." He was there. Policemen were at all those meetings. People do not go out, with brains, and advocate the physical overthrow of a government with policemen in attendance. They do not do it when men engaged in the Secret Service are watching them; and if they did, then, gentlemen, you should change the charge and expel them on a charge of lunacy, because sensible men do not go out in the open proclaiming their views when they are very much in the minority, with a police force of returned veterans.

Mr. Conboy suggested that you had heard Miss Chivers' testimony and you could take it for what it is worth. The fact that

he even suggested it at all, that it should be taken at all, is remarkable. Nobody accepted it. Newspaper writers repudiated it; men who heard it repudiated it, and in connection with that Mr. Conboy said that he denied the statements of all witnesses. He only denied one.

As to Miss Chivers, he admitted the troops coming there; the bus coming there, the music. He knew the event. He knew the event, and admitted it, but he denied he spit on the flag; denied he said "the gutter is good enough for you." You know he did not say it. You could not say it in front of any soldiers at that time. You could not say it in front of any audience at that time. You could not say it at any Socialist meeting at that time. Then you have the article that appeared in the Call. By the way, I will not go into that because Morris Hillquit covered that subject.

Waldman denies he ever met Bunsell, or had any conversation with him. A man may meet a person and address him in conversation. Both are animated, both vigorous. It may be perfectly honest, and he carries away the conviction. If two or three men meet in a heated discussion, and you let each one write down what his recollection is, and you will be surprised.

I had an incident at one time when I was speaking where a very good friend of mine mentioned the fact that I criticised Wilson. I said I never mentioned his name, and it brought me close to the fact of wondering why that was true, and upon finally analyzing it with him and several others, we came to the conclusion that Wilson was in his mind when he had entered there, and when he heard the remark and reference to the circumstance, he associated it with the name of Wilson, and he thought that word had been used, although it was conclusive that President Wilson's name had not been mentioned.

Now, there is a scriptural quotation, "by their acts ye shall know them," and it is really the very best criterion. Men can talk and that is partly a reflex of a subjective condition. What they do in the main is a criterion of what they believe. These men are not shown by any act or conduct to have violated the law or proposed it.

Reference was made to dues paying members. I want to go back to that a minute, and I want to read into the record the following: I am reading from the back of a card (reading): "All dues are payable monthly in advance at the regular monthly meeting, held on the third Wednesday of each month. Keep this card

as the financial secretary will receipt below for each month's dues as paid. Wednesday, November, December," and so forth. "Dues, December, 1919," the name seems to be "J. B. D. 2," and so forth. On the front it reads: "This is to certify that S. M. Cook is a member in good standing of the Fifteenth Ward Republican Club of Utica with dues paid in full to date noted on back of this card." Signed, "J. B. Buninburg, Financial Secretary."

So the Republicans have dues-paying members, just as the Socialists have in their club. That is a very bad principle, because if the Socialists should be ousted because we have dues-paying members who try to exercise influence upon their members, it would apply there. You have a prohibition club; an anti-prohibition club, and you have members, and they are elected to the legislature. When they go you say you vote for or against this bill, for local option or against local option, for franchises or against franchises, and if you violate that principle we will repudiate and discard you from the party." Perfectly lawful, legitimate proposition.

There are two members who did not testify. There was nothing practically against them. As to them, it is urged that they should be seated the same as the other members, because what their party has done they adopt, because they are members of it. As a legal proposition, it is not true. One man's malice cannot create another man's guilt, is a fundamental proposition in law. He must know of the offense, participate in it, act upon it, but for us, we are quite willing that all the representatives should stand together for, in the last analysis, we have been trying the party and not these persons as individuals.

Mr. Conboy has selected portions of the evidence, and then dovetailing on that he made an argument, would even come up to the point and put in, and so forth, leaving out the qualifying clause. For instance, to illustrate, he would pick up a phrase, I am going to pick up. "I will say, gentlemen, in a sense, perhaps we were guilty of this offense," referring to giving aid and comfort to the enemy. "That shows that Stedman admits that they gave aid and comfort to the enemy." You left out the paragraph that follows. See how it appears? What was the statement? That by opposition in belief to the system of government in Japan, by opposition in belief to the system of the government under the Czar, that by believing in opposition to their autocratic statements, we gave aid and comfort to the enemy because we are opposed to

the form of government of an allied country. Ally has been used improperly; they were our associates, and not our allies. In that I quote President Wilson.

This movement on trial may be expedited by your action; it may be retarded. It is entirely speculative as to what effect it may have. We feel very confident as to what the effect of this general agitation and education has done for us. We are denounced for promoting a class struggle. Gentlemen, we don't make a class struggle. Classes exist; we discover them and announce them and hope to abolish them. Let's see what we mean by a class. The aisle here separates two groups. Over here are the capitalists. Over here are the working men of all national races, and creeds, all mixed up. Over there is a blackboard. I say to the manufacturers, "What do you want? Mark it on the board." "We want to sell our goods at the highest price we can get." "Workingmen, what do you want, whether Jew, Protestant, Catholic or atheist?" "We want to buy our goods at the lowest prices." "Mr. Capitalist of all nationalities, what more do you want?" "We want to buy as cheaply as we can that which enters into the manufacturing of our articles, and the cheapest thing we buy is labor power, not Jim Jones, Schweitzer, or any individual, but his ability to create. We want to buy labor at the lowest price." "Mr. Workingman, what do you want?" "We want to sell our labor power at the highest prices." "Mr. Capitalist, how about women?" "If women will work cheaper, and they sometimes do, we want to employ women." "Mr. Workingman, what do you want?" "We want the women to remain home, to rear the family and keep together the home." "Mr. Capitalist, what more?" "We want children in the textile industries and other industries, because their fingers are nimble, and we can weave fabrics from the bowels of babies." "Mr. Workingman, what do you want?" "We want the children out in the open sunshine, and we want a system that will develop the strongest, bravest intellectual men and women possible." "Mr. Capitalist, what do you want?" "We want them strong, so they can work harder, intellectual enough to find their way home and back again to the factory. We want children in there. That is what we want, because they are cheaper."

What is the situation? You have a conflict. Oh, but a man comes along and says sometimes a man from that group goes over there, and sometimes a man from the other group comes

over here. The fact that he crosses from one class to another proves that there are classes, and that those that cross are the exception to the class, the exception to the rule, the exception to the prevailing motive before them; the man that does save his pennies and never smokes and drinks and becomes the owner of a railroad system. But the two classes of things are irreconcilable.

Suppose you have a board of directors of a transit company, and you want on that board of directors six men, and that they shall be composed of three that represent stockholders and three that represent the workers. Is there a conflict? Yes. The stockholder says we want big dividends. That which cuts down dividends is wages. The workman says, We are not interested in dividends, we are interested in high wages. You have a conflict there. We do not create that system. We want to prohibit that system. We are opposed to the system which produces that class.

Then they say, You are opposed to the family. No, we are not. I have looked at people coming out of the stockyards, a man that works around the department and meets his wife coming out at the gate from the department where she was putting labels on tin cans, and his daughter who had been engaged in the sorting department. He could walk down with his wife on one hand and his child in the other — wife, child and man coming together out of the stockyards, and they could hold up their heads and say, "Thank God, Socialism has not destroyed our home."

Socialism is not inconsistent with Americanism, institutions and governments are made for the utility of the race. Men are not made for governments, and they are not made for institutions and not made for laws. All of this is to subserve the misdeeds and aims of the majority of the people. Socialism of hopeful ideals, strangely so, perhaps to many, self-sacrificing, devoted, give their existence — you cannot always tell why — it seems to be some time as though it was the will of the Creator to mark men to lead the rest, and in the words of Heine, "He does not possess an idea, that idea possesses him and rides him to the grave."

It is an ideal that seems to pick out men and women here and there and carries them on with its purpose and its object. Its ideal is national and its idea is international.

It was Victor Hugo who hoped and predicted that the twentieth century would result in the fraternity and fraternization of the people of the world. I can echo the sentiment which closed the address of Mr. Conboy when he said "Long live the United

States." I might commence at a little smaller group and say "Long live the State of New York. Long live every State in the United States and its territory. Long live the to-be and everlasting international United States of the world," and one is not inconsistent with the other. A person is not less a patriot because he believes in an international God. A person is not less a patriot because he believes in an international Red Cross. A person is not less a patriot because he believes that his country has particular achievements to contribute to the world's progress. The real patriot is the man who realizes that all of the countries have their part to play in civilization and who hopes that his own country, as a matter of pride, may be the mentor which sets the highest and noblest example for all other countries to emulate. And that comes to us with particular force because in a world of despotism, of kings and brutes, this country, if you please, was regarded as the great country of liberty. Its doors were open to receive all that might come; and they came, to their benefit. But, gentlemen, do not forget to our benefit to a great extent. They came here largely well developed, around the ages of 20 and 25, strong and vigorous. Their countries produced the muscle which our steel industries grind into tremendous profit. They have come here with the strength; and you cannot look through the records of the patent office without finding countless thousands of inventions made by those people, who have contributed to us. We owe them a debt as well as any debt which they might owe us.

We have in this country to-day real problems. You have constantly accelerating higher prices; rise in rents; greater cost of produce; school children — children that are small — undernourished. Are the Socialists outlawed because they believe that food should be provided to children who are undernourished? Are they outlawed because they believe that the cities should create and build homes for people? They run the fire department. Why not build homes? Are they to be designated as social Pariahs because they do not believe in war, but in a greater and higher social life?

Our present form of industrial life cannot remain static. It will change. You cannot dispose of the change that is coming by wafting yourself into slumbers, by the chanting of a national hymn. The change is going on in our midst. We are reaching the point where the people of this country are going to own their large industries. That will call for laws and rules and regulations of the industries to which these men are related.

Our laws in the past have been prescribing personal relations between one man and another. We saw legislation in every state in this union and in the nation and a great public sentiment against the trusts. They came. The Socialists said they would come. We approved them as a higher type of industrial life. They swept all the laws of your state and nation aside and they broke through and have come into everlasting life for their purposes, and they were not stopped by laws, they were not stopped by William Jennings Bryan, they were not stopped by the Democratic Party, by the middle class, they came and are in our midst today and we are going into the next change. We are going into a system where you create industries and men so related to those industries as employees, skilled employees, and unskilled. Cannot you see how important it will be under those conditions to have well established and fixed rules of public speech and public writing, free and untrammelled? The time when we need to listen for the voice in the wilderness, the time when we need to be tolerant of others' opinions is the time when the old system commences to change and where each one is hunting for the truth wherever it may be found; and no man compliments himself by thinking that in some unexpected source the word may not come which helps the situation and in fact may be in a measure a deliverance of us from the old system. In a change such as we are going through we need these laws. There was a time when we did not feel their need. It is in crises they become important. We need them now. Your decision in this may be one to establish it. I do not fear your prejudice. Gentlemen, I want to be frank with you. I fear nothing but a temporary political expediency. I would feel that I, in a sense, would stultify myself if I did not tell you what I think. I would underestimate your capacity if I did not feel you could accept my statement in the spirit in which I make it. I feel that you are strong men enough to accept it, but that is, notwithstanding, what I feel. I know how people throughout this state may feel at this moment. They may feel these men are Socialists. We have been against them for years. Throw them out. They are dogs — let them go. But, gentlemen, on principle I feel safe. But even in the wider, more important political expedient in which this should be grasped by you, the result I feel will be assured. The American people, in the last analysis, can trust each other, and the minute we feel that we cannot then we simply indicate a symptom of a condition that needs the greatest atten-

tion. One man has said the cure for democracy which does not operate is more democracy, and there is a good deal in it. What is the difference between you and these men? What is the difference between you and me? In your hearts you do not believe that Morris Hillquit or any of these men think less of the people of this country than I do or you do. You simply think we are wrong, that our judgment is bad, that our heads are not built right on the inside — that's all. No one but some omniscient power knows who is right. You take your chance in presenting your views to the people. We take ours, feeling that the mass intellect of this country, with all the facts before it, will ultimately arrive at the correct solution. That is the faith of the Socialist — faith in the ideals of Americanism — deep, solid and heartfelt. That is what we believe in. And, gentlemen, basically that is what you believe in, and it is in that belief that we have our hopes and our just expectancy for the seating of these Assemblymen.

The Chairman.— Unless there is something further we shall adjourn until Tuesday morning, March 9th, at 10:30 A. M.

(Whereupon, at 4:45 P. M., on Friday, March 5th, 1920, the Committee recessed until Tuesday morning, March 9th, 1920, at 10:30 o'clock.)

