
Legislation Against Anarchy

by Zechariah Chafee, Jr. †

Published in *The New Republic* [New York], v. 19, no. 246 (July 23, 1919), pp. 379-385.

The presence in our midst of new forces that make for disorder and violence renders it desirable to review the resources of our law for dealing with insurrection, bombs, and assassination, and to examine calmly recent and pending legislation to prevent the promotion of anarchy. The disruption of our social and economic fabric by revolution, or even the continual recurrence of local outrages, would be so disastrous that they ought to be prevented in the wisest and most effective manner. Many persons take it for granted that any statute which is directed against those evils must be beneficial. That does not necessarily follow. If an emergency really exists, it behooves us all to keep cool, and consider with great care any new laws, and particularly the Overman bill lately introduced in Congress, to see whether they are actually needed to combat the danger, whether they will really meet it, and whether in the haste and excitement of the moment our legislators may not be going much too far.

This country has been able without any anarchy acts to cope with several insurrections like Shay's Rebellion and the Dorr War, a considerable amount of anarchy, and a great many turbulent strikes. May it not be that a wise and vigorous enforcement of the ordinary criminal law will meet most, if not all, of the present danger?

As far as state prosecutions are concerned, there has been very little need of specific legislation against anarchy and criminal syndicalism. Actual violence against the government, life, and property is punishable everywhere. Those who plan or counsel such violence are liable even if they do not actively participate. When several policemen were killed by a bomb at the Haymarket in Chicago in 1886, [August] Spies and other anarchists were convicted and executed though it was clear that someone else threw the bomb. Nor is it necessary that any criminal act shall take place. And unsuccessful attempt at a serious crime or solicitation of another to commit it is punishable under the general criminal law. Chief Justice Morton of Massachusetts said in 1883, while upholding the sentence of one Flagg for urging another without success to burn down a barn: "It is an indictable offense at common law to counsel and solicit another to commit a felony or other aggravated offense, although the solicitation is of no effect, and the crime counselled is not in fact committed." Consequently the normal law of the states and the District of Columbia, apart from any legislation against anarchy, enables the police and the courts to deal vigorously with actual or threatened insurrection, explosions, or assassinations.‡

The persons of the President and other Federal

†- Zechariah Chafee, Jr. was a graduate of Harvard Law school and an Assistant Professor of Law at Harvard, as well as a member of the Rhode Island bar.

‡- For purposes of illustration I have added references to the normal law of four jurisdictions which have lately been alarmed over anarchy. If the law of any other state is incomplete, a definite provision as to criminal attempt or solicitation will meet the need far more wisely than the enactment of a vague and sweeping act against anarchy.

Massachusetts: Treason, R.L. (1902) c. 206; murder or attempt to murder, c. 207; destruction of property by explosives, or attempt thereto, c. 208, §85-86; indirect participation in a crime, c. 215, §3; attempts to commit any crime, c. 215, §6; solicitation of another to commit a crime is punishable under this section, *Commonwealth v. Peaslee*, 177 Mass. 267, and also at common law, *Commonwealth v. Flagg*, 135 Mass. 545, quoted in the text.

New York: Treason, Penal Law (1909), §2380-2383; murder, §1044 ff.; damage to building by explosive, §1420; manufacture, storing, or shipping of explosive, §1894; attempt to injure building without damage, §1895; indirect participation or attempt to

officers are protected by these laws in the District and the various states. Thus the assassin of President McKinley was convicted in New York. If it is felt to be safer that crimes against such men should also be subject to prosecution in the Federal courts, it seems clear that Congress has power so to provide, since any injury to them would seriously impede the operation of the national government. The United States Supreme Court has already decided in the Neagle case that the Federal government has power to protect the lives of its judges, and the same principle applies to the President or any other official. The new statute should punish, not only actual injuries to these persons, but also unsuccessful attempts and incitement of others to commit such injuries, for such abortive conduct would not be criminal in the United States courts unless expressly made so.†

No Congressional legislation is needed to make criminal any scheme to overthrow the United States government by bombs or any other means. A glance at the first 8 sections of the Federal Criminal Codes suffices to prove this. Levying war against the United States is treason punishable with death, and recruiting or enlisting for armed hostility against the United States is a serious crime. Conduct short of insurrection is penalized in section 6: "If two or more persons ... conspire to overthrow, put down, or to destroy by force the government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States," they are each liable to 6 years in prison or \$5,000 fine or both. It is of course well settled that conspiracy does not have to succeed to be punishable. All that is required

is a common design to commit a crime, and some overt act in pursuance of the design. The act may be entirely innocent in itself. If any further protection against threatened revolution is needed, it is furnished by section 37 of the Criminal Code, which punishes with severity conspiracy "to commit any offense against the United States."

One other feature of the existing Federal law deserves attention. The chief danger from anarchists arises through the use of explosives, and if these are kept under Federal control the country will be reasonably safe from bombs and dynamite. On October 6, 1917, congress passed an elaborate statute making it unlawful when the United States is at war to manufacture, distribute, store, use, or possess explosives, fuses, detonators, etc., except under specified regulations, which include a requirement for a government license given only after full information. This statute is automatically suspended during peace, but Congress would do well to continue it, and could, it seems, accomplish this constitutionally under its powers to regulate interstate and foreign commerce and to conserve material needed for army and navy use. Under this statute it would be practically impossible for unauthorized persons to secure enough explosives to cause extensive damage.

With these suggested amendments to the Federal statutes to protect the lives and persons of United States officials and regulate the use of explosives in peace, the normal law will be entirely adequate to guard us against dangerous anarchy. Violence and direct provocation to violence will be severely punished, and the instruments of outrage will be removed. I have dwelt at such length upon the ordinary law because I

commit any crime §2, §260-262; solicitation of another to commit a crime is probably punishable under this section, *People v. Strauss*, 100 Misc. 661, and also at common law; any act seriously disturbing the person or property of another, or seriously disturbing the public peace, §43; this includes advocacy of revolution and assassination, *People v. Most*, 171 NY 423. The NY anarchy act is discussed in the body of the article.

Washington: Treason, Remington's code (1915), §2317-2319; murder, §2392 ff.; damage by explosives, or placing them, §2652-2653; unlawful making, storing, or shipping explosives, §2403, 2504, 2506; indirect participation in any crime, §2260; attempts toward any crime, §2264; solicitation of another is punishable under this section, *State v. George*, 79 Wash. 262, and also at common law. The Washington anarchy act is discussed in the body of the article.

District of Columbia: Treason, punishable under general Federal law; murder, Code, §798; placing explosives near buildings or discharging them, §825a, 885; indirect participation in crime, §908; attempts, §906; solicitation is probably a common law offense punishable under §910.

†- Section 332 of the US Criminal Code punishes one who "aids, abets, counsels, commands, induces, or procures" a crime. In *Billingsley v. US*, 249 Fed. 331, it was suggested that the crime need not be committed, but the cases generally tend the other way. *US v. Rogers*, 226 Fed. 512. In every case under this section the criminal act has been committed.

want everyone to understand that the so-called anarchy acts, insofar as they are not an unnecessary duplication of this ordinary law, are not directed against the commission of violence but against the expression of holding of opinions which are distasteful to the majority of citizens. Most of them are so sweeping as to suppress agitation which is neither dangerous nor anarchistic. The people may be led to accept such statutes because they fear anarchy, but they will soon find that all sorts of radical and even liberal views have thereby become crimes. These acts have been drafted by men who are so anxious to avoid any disturbance of law and order that they have punished by long prison terms and heavy fines not only direct provocation to the use of force, but also the promulgation of any ideas which might possibly if accepted cause someone to employ force.

The normal law punishes speech and other conduct which falls short of criminal acts only if it comes somewhere near success and renders the commission of actual crime probable. As Justice Holmes recently said in the *Schneck* decision, "The question in every case is whether the words are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent." If I foolishly fire off a pistol with the intention of killing a man 10 miles away, the law does not hold me guilty of an attempt to murder. And the law wisely treats most fulminations against the social fabric in the same way. Now, all vigorous criticism of the form of government or the economic system or particular laws may by arousing passion or engendering conviction of the iniquity of existing conditions lead indirectly to violence. Even an ardent oration urging the repeal of a statute may lead hearers to disobey it. We are always tempted to apprehend such results from opinions to which we are opposed. It is easy to believe that doctrines very different from our own are so objectionable that they could only come into operation through force, so that their advocates must necessarily favor criminal acts. The difference between the expression of radical views and direct provocation to revolution is only a difference of degree, but it is a difference which the normal criminal law regards as all important.

There are always men who want the law to go much farther and nip opinions in the bud before they

become dangerous because they may eventually be dangerous. Such an attitude is particularly common in a period of unrest like the present, especially during a foreign revolution or after assassinations, when coercion and violence follow each other in a vicious circle. George III's judges transported men who wanted to do away with rotten boroughs, because the agitation might lead the people of Great Britain to imitate the Reign of Terror. Restoration France, after the assassination of the Duc de Berri, passed a law to suppress any journal "if the spirit resulting from a succession of articles would be of a nature to cause injury to the public peace and the stability of constitutional institutions." It was only with the disappearance of these *procès de tendance* that the press once more became free, and now in France one can urge a change in the form of government to monarchy or empire with impunity.

Abolition of slavery could never be mentioned in the antebellum South because it might cause a negro uprising. A similar sensitiveness to possible bad results led to the prohibition of *Mrs. Warren's Profession* and *September Morn*. Since almost any opinion has some dangerous tendencies, it is obvious that its suppression on that account puts an end to thorough discussion. The limitation of the punishment of speech to direct provocation to crime is the essential element of freedom of the press.

The normal criminal law is willing to run risks for the sake of open discussion, believing that truth will prevail over falsehood if both are given a fair field, and that argument and counter-argument are the best method which man has devised for ascertaining the right course of action for individuals or a nation. It holds that error is its own cure in the end, and the worse the error, the sooner it will be rejected. Attorney General Gregory has defended the Espionage Act on the ground that propaganda is especially dangerous in a country governed by public opinion. I believe this to be wholly wrong. Free discussion will expose the lies and fallacies of propaganda, while in a country where opinion is suppressed propaganda finds subterranean channels where it cannot be attacked by its opponents.

The vital distinction between the normal criminal law and most of the anarchy acts is that they are not willing to run any risks as to opinions generally

considered objectionable, but make opinion in itself and for its own sake a crime, though there is no direct and dangerous interference with order and only a remote possibility that violence will ensue.

There are several types of anarchy acts. The simplest is the red flag law, recently adopted by New York and Oklahoma. The New York statute of May 5, 1919, makes it a misdemeanor to display the banner "in any public assembly or parade as a symbol or emblem of any organization or association, or in furtherance of any political, social, or economic principle, doctrine, or propaganda." The policy behind this legislation resembles the rule of the British government that the Uganda tribes must not wear war-paint except on the chief's birthday. If Americans can not be trusted any more than African natives to avoid the psychological effects of color, well and good. So far, the exact meaning of the red flag seems rather obscure. Some say it stands for bloody revolution, and others, the brotherhood of workingmen throughout the world. It might be desirable to find out what is right before we forbid it. There is no doubt that its display on May Day last was accompanied by much lawlessness — chiefly on the part of the supporters of law and order. Until the opponents of force can restrain themselves from mobbing any parade which carries a red flag, it may be wise to prohibit its use. We ought to remember, however, that if it is made a forbidden symbol its emotional appeal when displayed in secret is immeasurably heightened. The resentment caused by such laws will not be lessened by the recent respect paid to mayors, governors, and legislators to an acknowledged banner of revolution, the green, white, and yellow of Ireland. Massachusetts once had a red flag law, which was declared constitutional, and then repealed because it made the Harvard crimson illegal. It is to be hoped that other portions of this land of the brave will also be willing to face valiantly a piece of cloth. There is much merit in the North Dakotan remark that the only animal that is afraid of a red flag has a fence around him.

A much more important group of statutes takes its origin from the New York Anarchy act of 1902 (now Penal Law, Article XIV.) Criminal anarchy is there defined as "the doctrine that organized government should be overthrown by force or violence, or by assassination * * *, or by any unlawful means." It is a

felony to advocate this doctrine by speech or writing, and to join any society or any meeting for teaching or advocating it. The act can be rigorously enforced, because the owner or person in charge of any room or building who knowingly permits a meeting therein is severely punished, and the editor or proprietor of a periodical or publisher of a book which contains anarchistic matter is liable unless it was printed without his knowledge and authority and disavowed immediately. The Washington statute of 1909 (now Code of 1915, §2562 ff.) is very similar, but also makes it criminal to circulate any document having a tendency to encourage the commission of any breach of the peace or disrespect for law or any court. The ridiculous possibilities of such legislation are proved by the conviction of one Fox for encouraging disrespect for law by an article, "The Nude and the Prudes," declaring bathing suits superfluous. Justice Holmes found nothing unconstitutional in the prosecution, but caustically remarked, "Of course, we have nothing to do with the wisdom of the defendant, the prosecution, or the act." It remains to be seen whether Congress will stultify itself by enacting the parallel clause of the Overman bill against advocating "disregard for laws." The first danger to be avoided in legislation against anarchy is the imposition of heavy penalties for slight offenses. Such penalties create that very hatred of our system of laws which it is our object to avoid.

Oregon and Oklahoma have just enacted even more extensive laws, applying the New York statutory scheme to criminal syndicalism, "the doctrine which advocates crime, physical violence, arson, destruction of property, sabotage, or other unlawful acts or methods as a means of accomplishing or effecting industrial or political ends, or * * * industrial or political revolution, or for profit." The advocacy of any unlawful act for such ends and the circulation of any book affirmatively suggesting criminal syndicalism or any unlawful act for such ends are among the offenses punishable by imprisonment from 1 to 10 years. (Ore. Laws, 1919, c. 12; Okla. Laws, 1919, c. 70.)

These are but brief extracts from the legislation which has been enacted or invoked in almost every state during the last few months. In addition, Mayor Hylan of New York wanted an ordinance to punish owners of buildings permitting an assemblage advocating "politics tending to incite the minds of people

to a proposition likely to breed a disregard for law,” and a Boston ordinance to forbid the display of anything that was sacrilegious or tended to promote immorality was also unsuccessful, but the Mayor of Toledo is said to have prohibited any meeting anywhere in the city “where it is suspected a man of radical tendencies will speak.”

These statutes and regulations are, for the most part, different from the normal criminal law in three ways: (1) they label opinions as objectionable and punish them for their own sake because of supposedly bad tendencies without any consideration of the probability of criminal acts; (2) they impose severe penalties for the advocacy of small offenses as much as for serious crimes; (3) they establish a practical censorship of the press *ex post facto*.

The Overman bill, now pending in Congress (Senate Bill 1686), has all three characteristics. Every offense under section 1 is liable to 10 years' imprisonment or \$10,000 fine, or both. This includes any language intended to incite, provoke, or encourage resistance to the United States, or a defiance or disregard of the Constitution or laws of the United States; advocating any change or modification in the form of government except in the manner provided for by the terms of the Constitution, a clause which will necessitate extreme caution in all reformers advocating assassination of officials or the destruction of property as part of a program to overthrow the form of government. Lastly comes an unusually vague red flag clause, against displaying publicly any flag or emblem, except our own, as symbolic of the government of the United States, or of a form of government proposed by its adherents or supporters as superior or preferable to our government as prescribed by the Constitution. Anyone who flies the flag of another nation and asserts it is better governed than ours seems to violate this provision.

The trivial nature of many of these offenses will be obscured in the eyes of most persons by the mention of the advocacy of revolution, assassination of Federal officials, and explosions for overthrowing the government, but the penalty provided is exactly as severe. Urging “disregard of the laws of the United States” applies to the recent decision of the American Federation of Labor to disobey Federal injunctions, and will reach utterances far less harmful than that. Who can

say that every one of the multitudinous acts of Congress is so wise that any suggestion of disobedience should be made a felony? Evaders of the prohibition amendment, and all supporters of an unconstitutional bill (like the Overman bill itself perhaps) are urging “disregard of the Constitution.” It is impossible to speak respectfully of that portion of the Constitution which provides for an electoral college, and much hatred has been justly directed to the clause for the return of fugitive slaves. Other clauses may prove equally objectionable in the future. If “Constitution” means the language of that document as explained by the United States Supreme Court, the Overman bill punishes excited discussion of decisions like the Dred Scott case or the interpretation of the 14th Amendment in the 10 Hour Bakeshop decision.

Of course, trivial offenses will not be prosecuted under the bill in ordinary times, but during excitement the partisans of law and order will hardly be able to resist the temptation to seize upon its provisions as a speedy way to get rid of agitators whom they fear and dislike. Witness the sentences of 10, 15, 20 years imposed upon leading Socialists under the Espionage Act, so that further activity on their part is conveniently prevented during the time they are likely to live. And in a government of laws and not of men, no one human being ought to be entrusted with the power to give or withhold the heavy sentences of this section for the light offenses included within its sweeping provisions.

Section 2 establishes a censorship. It imposes the same penalties as section 1 upon any person who attempts to or does import or transport in foreign or interstate commerce, any written or printed matter intended to incite resistance to the United States, or a defiance or disregard of its Constitution or laws, or assassination. Under this section a bookseller or book buyer can be condemned for ordering a book without knowing that it contains criminal matter. All radical literature will be practically excluded from normal circulation, because it may possibly violate this act.

It may be asked, why should anyone honestly want to possess a book which urges revolution or even the violation of law? Why should we allow such books to be imported or sold? Men assume that this Overman bill affects only writings which devote themselves entirely to the advocacy of violence. This is not so.

There are many books and pamphlets which for the most part contain elaborate discussions of social and economic questions, which it is very desirable to read. Here and there the writer is so impressed with the hopelessness of legal change in the present system that he advocates resort to force if nothing else serves. That alone will render circulation of the book a heinous crime under this bill, which roots up the wheat with the tares. Such sentences as "I hold a little rebellion now and then to be a good thing," and "The right of a nation to kill a tyrant in cases of necessity can no more be doubted than to hang a robber or kill a flea" will damn the writings of Jefferson and John Adams, while the Declaration of Independence will be barred out in this country as it was in the Philippines, since it is a most eloquent advocate of change in the form of government by force without stint or limit.

Furthermore, if men urge resistance to law, they almost always have a grievance, and whether it is well founded or not, the defenders of the existing order ought to know what it is, so that they may correct it or show by counter-argument that it does not exist. The worse the grievance, the more likely the victim is to get angry and urge violent measures, yet that is that grievance which most needs removal. If anyone who plans to buy such a book from abroad or another state runs the risk of long imprisonment, sober men will leave it alone, and it will fall only into the hands of agitators who are willing to take chances. The bulk of the people will be entirely ignorant of what our enemies are planning. One of the most effective weapons against anarchy was the recent article in the *New York Times* translating anarchistic passages from the foreign language press. Such an article would be criminal under this bill. Even public officials can not lawfully import revolutionary literature, and an exception in their favor would be an insult to the people of the United States. This bill is a kindergarten measure which assumes that the American people are so stupid and so untrustworthy that it is unsafe to let them read anything about anarchy because they would immediately become converted. Above all, we shall not be able to meet this great danger of lawlessness if we refuse to look the enemy in the face. The habits of the ostrich are instinctive in many human beings, but they have not been conspicuous for success.

Section 3 contains the old Espionage Act of

1917, which has been repeatedly construed to make almost any expression of pacifism or radicalism unsafe, because it will be decided by judge and jury to cause refusal of duty in the military or naval forces or obstruct recruiting. Under the Overman bill a new clause is added to punish one who causes insubordination etc. on the part of any person liable to actual military or naval service. This would seem to include any male of military age. The operation of the Espionage Act was so fatal to open discussion that it ought to be repealed instead of being extended. Even the present conservative House of Commons has refused to continue similar English legislation.

This third section will surely be invoked by advocates of compulsory military service against their opponents. It makes any scathing criticism of military methods a very perilous matter in future years and it raises the army and navy into a privileged position beyond the range of ordinary outspoken discussion, such as is enjoyed by no civilians. It is what the French army wanted during the Dreyfus affair. Furthermore, if the language used does bring the army or navy into contempt, it is absolutely immaterial that the charge made is true. Even under the hated Sedition Act of 1798, which has many parallels to the Overman bill, truth was a defense, but this bill makes the truth a serious crime if it hurts the sensibilities of the military authorities.

Section 4 punishes anything said or done, except by way of bona fide advice to investors, to affect adversely loans to or by the United States. Advice to the taxpayers who will pay the bonds is not permitted. To raise loans by the government above public discussion is especially perilous. It would seem that our bonds in any case can stand on their merits without this timorous protection.

Section 5 punishes all persons who conspire to violate the act even if they do not succeed, and thus penalizes conduct very remote from overt criminal acts. Section 6 provides deportation as a punishment for any alien.

Much more could be said, but it is plain that this bill suppresses the discussion of public questions at point after point. Its danger lies not merely in what it says, but in the way it will be applied by the courts which made anti-governmental opinions criminal under the much narrower provisions of the Espionage

Act.

During the war the advocates of strong measures assured those who thought our traditional freedom of speech in peril, that suppression would disappear when the fighting stopped, and remarked with Lincoln that a man could not contract so strong an appetite for emetics during temporary illness as to persist in feeding upon them during the remainder of his healthful life. The war is over, the Espionage Act has suspended its operation till the next conflict, but nearly every state in the Union has proceeded to make the expression of certain opinions criminal, and Congress is now considering a much more rigorous Espionage Act for times of peace. The truth is that persecution of unpopular doctrines is not an emetic at all, but a drug. A nation can not indulge in an orgy of intolerance and console itself like Rip Van Winkel with the thought that "This time doesn't count!" Nobody enjoyed gasless Sundays or sugarless coffee so much that we are likely to continue them in peace, but the pleasure of being able to silence the pro-Germans and pacifists and socialists who had irritated us in 1915 and 1916 was so agreeable in 1917 and 1918 that it will be abandoned with extreme reluctance, and we long for more suppression to satisfy the appetite which has been created contrary to our former national tradition of open political discussion.

Consequently, we ought to cross-question acutely our present conviction that the repression of ideas is essential to the public safety, and ask ourselves how far that conviction results from the mood of the moment. Indeed, it may be conjectured that just as some soldiers were given ether to make them "go over the top" better, so a nation can not enter wholeheartedly into the horrors of a war without some benumbing of its reasoning powers, from which it may not yet have recovered. It is not psychologically probable that our minds have been so shaken by excitement, fear, and hatred, so stretched to one absorbing purpose, that they are slow to return to normal, and that we still crave something to fear and hate, some exceptional cause for which we can continue to evoke enthusiasm? Was it altogether accidental that the trial of Socrates followed close upon the Peloponnesian War?

A very serious situation confronts us. For two years the government has pursued the policy advocated by Judge Van Valkenburgh when he tried Rose Pastor

Stokes for her denunciation of profiteering: "The President could not stop in the face of the enemy and effect domestic reforms. We don't ordinarily clean house and hang out the bedding when there is a thunderstorm on. We wait until it is over, go dirty a little longer." A good deal of soiled linen has accumulated, and the consequences are far from agreeable. The discussion of the radicals is bound to be doubly violent because it was postponed and now it can be postponed no longer unless we mean to suppress it altogether. By doing that, we shall not end it but only drive it underground.

This bill is not the proper way to deal with anarchy. Outside of a few intellectuals anarchy is the creation of discontent, and this bill will increase discontent. Nothing adds more to men's hatred for government than its refusal to let them talk, especially if they are the type of person anarchists are, to whom talking a little wildly is the greatest joy of life. Besides, suppression of their mere worse shows a fear of them which only encourages them to greater activity in secret. A widespread belief is aroused that the government would not be so anxious to silence its critics unless what they have been saying is true. A wise and salutary neglect of talk coupled with vigorous measures against plans for actual violence and a general endeavor to end discontent is the best legal policy toward anarchy.

Those who do not agree with me that the punishment of direct provocation and the regulation of explosives are sufficient, but believe that all advocates of violence should be suppressed because there are elements in our population, small in number but reckless and aggressive, who are ready to act on such advice, should at least substitute for the sweeping provisions of the Overman bill a limited measure like the recent Massachusetts statute, which specifically penalized the advocacy of killing, the destruction of property, and revolution, instead of punishing opinions as such. The Massachusetts act was introduced as a very sweeping bill, but was reduced to its present form by repeated protests from liberals. Instead of legislating against anarchy as such, it prohibits incitement to definite serious crimes.

If we have taken reasonable precautions against violence, we should not be disappointed at not securing absolute unanimity among our population on political and economic matters. If Americanism means

anything concrete, it certainly means tolerance for opinions widely different from our own, however objectionable they seem to us. Such is the tradition handed down to us by Roger Williams and Thomas Jefferson. We must legislate against the use of force, and protect ourselves against anarchy by the strength of argument and a confidence in American institutions, including that most characteristic of all, which stands at the head of the Bill of Rights, freedom of thought.

Edited by Tim Davenport.

Published by 1000 Flowers Publishing, Corvallis, OR, 2007. • Non-commercial reproduction permitted.