

Appeal Army Wins Big Victory—Debs Citizenship Admitted in Congress

Americans! Do You Know That Liberty Has Already Been Slain in America?

- Do You Know That the War Espionage Law... Do You Know That a Supreme Court Decision... Do You Know That the Espionage Law as it... Do You Know That the Supreme Court of the... Do You Know That when the Espionage Law... Do You Know That this confers power of cen... Do You Know That the Immigration Act passed... Do You Know That thirty-four states and two... Do You Know That Pennsylvania has one of... Do You Know That 1,000 arrests have been...

The first official admission from governmental sources that Debs and his 1,500 fellow war victims have not been deprived of their citizenship...



Liberty In America, Past, Present, Future

This is a graphic presentation of the status of liberty in America, past, present and future. They had the undying democratic faith that the people can and must be trusted to express and promulgate their beliefs...

This Is the Liberty of Our Fathers Destroyed by American Plutocracy

- U. S. Supreme Court The Constitution of the United States is a law for rulers and people... Ralph Waldo Emerson But if there be a country where knowledge can not be diffused without the perils of mob-law and statute law... Wendell Phillips No matter whose lips that would speak, they must be free and untrammelled... Daniel Webster Important as I deem it, sir, to discuss the policy of the measures at present pursued... Theodore Parker (on Mexican War) Your President tells us it is treason to talk so! Treason is it? Treason to discuss a war which the government made and which the people are made to pay for?... James Russell Lowell They are slaves who fear to speak... Walt Whitman I say discuss all and expose all—I am for every topic openly... Lincoln: Inaugural Address The country with its institutions, belongs to the people who inhabit it...

# The Meaning of Debs Arrest and Imprisonment

By John W. Gunn

(Formerly Associated with Debs on the Appeal to Reason.)

War heroes, as a rule, have their glory traced with huge and terrible splashes of blood. Not so Eugene Victor Debs, who—clearly and proudly do we say it—stands loftily forth as a fine true hero of the Great War; an American hero, a real American patriot when others, following lustily (and blood-lustily) of their "patriotism" were engaged in the most colossal and brazen betrayal of the country's best ideals and interests. Let us say these things at the outset, to mark the record straight. Debs attacked no real American interests. Debs opposed no true American principles. Debs violated no just, constitutional American law.

## The Real Traitors

It is worth while to recall who were the real traitors, if treason is an epithet now to be cast in the teeth of any one. In the Spring of 1917, there was no doubt that the American people in an overwhelming and bona fide majority were in favor of peace. Notwithstanding the most unprincipled and unmitigated propaganda of the warmakers—a campaign without parallel in the history of the country—only certain loud and self-interested groups, and along with them an irresponsible jingo element, pretended to be thirsting for blood. It was recognized generally that an genuine, or extensive, American interests were in danger. Did Wall Street have interests that would be protected or promoted by American participation in the World War? That was another matter. There was obviously no threat to general, democratic, sound and realistic American interests, American principles or American safety. And sitting in the White House was a President who, having all along upheld broadly the view we have just stated, had only a few months before been re-elected by virtue of the slogan, "He kept us out of war."

Such was the situation—and what happened? Suddenly—yes, with what appeared to be startling suddenness—the Wilsonian policy was reversed. America, and the well-remembered American people, were rushed into the war; no word of objection or reason or peaceful counsel had a chance. These words had no chance, although the words wanted peace. But the war interests in Wall Street and Washington, claiming hypocritically they were about to enter a war in defense of democracy, refused to let the people express their democratic sentiments on the war issue. A few men in Congress, whipped on by a President who

had pulled a sword from beneath his peace-professor's cloak, voted the country into war. Threats, intimidation and contumely of all but a handful of others. And almost immediately, with indecent and self-aggrandizing haste, and, as legislation was rushed through to suppress every account or whisper of peaceful talk in America. Undemocratic censorship, and undemocratic conscription, were the outstanding instruments of tyrannical force employed to carry through this unpopular war. Terrorism, which reacted in a seemingly popular and really cowardly war spirit, became at once the most disorderly order of the day. It was a terrorism, not simply of mobs, but of a super-mobism lifted to the height of the shameful pinnacle of a national policy. And this terrorism leads us directly to Debs and the Debs case.

## Debs True American

In a mad world, Eugene V. Debs had remained true to his lifelong belief in and advocacy of international peace, cooperation, brotherhood. It was not merely emotional pacifism that influenced him. He knew the economic causes of war, he understood the selfish and sinister character of the forces that contrived and created war; he was only too well aware of the interests that, behind all the cant of democracy and humanity, were seeking in the war their own gigantic and blood-stained profits. So Debs, watching, saw and understood. At first, he kept silent. None knew better than he the futility of trying to stop this terrible outbreak of insanity. But, after all, Debs was a great national figure. He was, to millions of Americans, the most significant representative of a great national party. That party—the Socialist party—had indeed spoken in clear-cut terms on the war issue, spoken boldly, according to its well-defined historic policy. What had Debs to say? What could or should Debs say?

Let us give them whatever credit they deserve for it—the warmakers hastened to help Debs what Debs should say. All around him Debs saw the immortal traditional American right and principle of free speech, personal liberty and even descent protection of the law being smashed to pieces by the authorities and interests at the head of the war craze. He saw terrorism taking the place of liberty and law. He observed a vast and wicked machine of suppression playing havoc with American ideals, principles and plain constitutional rights. He saw his old comrades hustled off to jail for speaking their honest thoughts. Do we not here come face to face with



Back on the Job

The following message telling of Debs safe arrival in New York from Bermuda was received at the office of the American Appeal, April 22.

Admitted safely after a brief examination and a most cordial reception by newspaper reporters, customs officers and immigration inspectors. Mrs. Debs is much improved and we are happy to be home again. Leave for West tomorrow evening. Love and greeting.

E. V. DEBS.

the real issue of Americanism, as they concerns Debs and his accusers? It were the boasted patriots who were making scraps of paper out of the Constitution, scorning reason and justice and law, and converting the America of Jefferson and Webster and Lincoln into a wretchedly unrecognizable land of terrorism and tyranny. And, in contrast to the alleged patriots, it was Eugene V. Debs who felt the blood of true Americanism, of true patriotism, rise protesting in his veins. It was Eugene V. Debs who felt a profound and splendid resentment at this sacrifice, this smothering, this slaughter of

American principles and rights. It was Eugene V. Debs who was aroused to cry out in defense of real American ideals and interests against the very ones—the very arch-hypocrites, the very assassins of American law and liberty—who accused him, who accused Debs the true patriot, of being a traitor to his country.

It was at Nimble Park, Canton, Ohio, on the Sunday afternoon of June 16, 1918, that Debs delivered the speech which brought upon him the hand of the new governmental tyranny. The occasion was a State convention of the Socialist party of

Ohio. Significantly, just before making his speech Debs had gone to the county jail and talked with three Ohio Socialists—Ruthenberg, Baker and Wagnenoch—who were victims of the war terror, charged with anti-war propaganda. And Debs, in the speech that followed, made eloquent reference to the situation of these, his comrades. He had been associated with them for years in the noble, intelligent, humanitarian movement of Socialism; and now the spectacle of them as the jailed objects of hate of interests fearful of honest opinions—and this simply a dramatic close example of what was going on throughout the land struck Debs with such vivid arousing force as all true men and women can imagine. Debs spoke—and he spoke bravely, honestly, with the full utterance of sterling manly principle about the leading issues of that war-torn hour. He said what he thought about war; he declared that wars, all down through history, had been made by ruling classes, with the working classes as the victims; he gave the Socialist, economic explanation of wars and war movements.

## Why Debs Was Arrested

But that, we say, was not the feature of Debs' speech that really wounded the tender hearts of the war-makers and war-leaders. Other things Debs said that day which hurt, or angered, them worse. He spoke of the "patriots" so-called (so-called) who had suddenly revealed an alleged antipathy to militarism (Prussian militarism of course) that they had shown no trace of in all the years before. He showed all too plainly that this professed hatred of militarism was simply the war talk of war-promoting and war-making hypocrites. Who were, and had always been, the true friends of peace and the sincere foes of militarism of all exploitation and oppression of all the displays of force in this ruling-class world? The Socialists! The very ones who were then being denounced as the friends of Prussian militarism, but who were actually being persecuted and robbed of their rights as free American citizens because they were truly and not hypocritically nor spasmodically nor one-sidedly—the friends of peace first and last and everywhere. It was Debs' sharp revelation of the hypocrisy of the false patriots and pretended foes of militarism that brought down their guilty hatred upon him, the true friend of peace and democracy and humanity, the true American patriot! And let us say this also, and say it plainly: It was not so much what Debs said about the war issue as what he said—the bitter truth that he spoke—about the terroristic un-

constitutional-un-American methods of imposing the war machine upon the country, that struck resentment and rage and revenge into the hearts of those who know he spoke the truth.

Think of the mockery of it! Think of the miserable hypocrisy and injustice of it! Debs was accused of being a traitor to America, and a violator of the law, and a criminal for the very reason that he uttered a timely and truthful word in defense of American principles and rights—in defense of American ideals of liberty and law—in defense of the American Constitution itself, that document so vociferously eulogized by those who most execrably reduced it to fragments of futile waste paper! For being a true American, Eugene V. Debs was shut into a felon's cell in an American prison! For being a true American, Eugene V. Debs spent nearly three years in a felon's cell in an American prison—while those who had lyingly misled, abused, betrayed and plundered the American people counted their bloody profits and vaunted their bloody glory in the faces of true Americans!

## Real Defender of America

In his arrest, trial and conviction, Debs emphasized the fact that his stand was simply that of a true American defending the Constitution of the country and his own rights thereunder. He hid behind no tricks nor technicalities nor party subtleties. He defended his right of free speech. He denied, he retracted, no single word that he had uttered. Addressing Jury and Court, he repeated with unyielding firmness and courage the very sentiments he had expressed in the Canton speech. The prosecutors—or persecutors—of Debs were not equally honest. They met the issue of free speech with the usual sophistry of the law courts. And they tried to make out a crime for Debs of having somehow "obstructed" the war. It was a ridiculous charge. It was shot full of holes by Debs' lawyers, although Debs himself stuck close to the higher issue—the real issue—of free speech and American rights, American fundamental laws, American Constitutional guarantees. It was sufficiently clear, and clearly stated, that Debs in the Canton speech had not advised nor mentioned any obstructive measures; that he had not counseled any illegal resistance to the Government; that he had not advocated nor even hinted at such folly as insurrection or treason or anything like these things. Debs had simply expressed his opinion, like a man, like an American, like a patriot. He had but spoken his thought—spoken it

clearly, to be sure, and unmistakably—and that was all. That Eugene V. Debs was a martyr to the cause of free speech and of American Constitutional liberties, no one can at this late day challenge or deny.

This truth, of the real nature of the Debs case, was recognized at the time by the true American spokesmen of public opinion throughout the country, alike by pro-war and anti-war men and women who, whatever their opinions about the war, remained true to American right and principles and did not wish to see contrary opinions struck down with a brutal hand. Back of the long fight to force open the prison doors, and restore Debs to his freedom, was the underlying and continually stressed theme and issue that the American Constitution, American right, American principles of freedom must be vindicated, must be restored and must in future be upheld. This issue happened to be all the more dramatically clarified and emphasized in that Debs had been sent to prison after the war was over—so that it was plain as day he was not being imprisoned because he was a traitor and a menace to the Government's war activities, but only because he had dared to exercise his right of free speech, and was to be vindictively punished for his opinions.

## Issue Not Settled

And this issue is not yet settled fairly and honestly. It is not yet settled with safety to the present and future rights of American citizens. The Government after shameful delay opened the prison doors for Debs, but denied him a pardon. Denied him a pardon because of his true Americanism in an hour when, God knows! that we had been taught, in the present and honest practice, of true Americanism was being trampled recklessly under foot by the warlords, tyrants and profiteers who had the country in their grip and under their grinding heels. It is the final, full and fair settlement of this issue of free speech—this issue of American constitutional liberties—this issue of the free American citizenship in the free air of additional and true American institutions, that the AMERICAN APPEAL now demands. We demand that this base and cowardly crime against free speech be undone. We demand that this outrage upon the American Constitution, upon American liberties, upon every point of plainest principle of true Americanism, be undone. We demand that Debs the American patriot shall stand forth once more as Debs the vindicated American citizen!

# Berger Bill Would Punish First Amendment Violators

To make the first amendment of the Constitution, now a dead letter, once more effective, is the object of a bill introduced this week in Congress by Representative Victor L. Berger, Socialist.

The first amendment originally was the corner stone of American liberty. It provided that the rights of free speech, a free press and free assembly shall not be abridged. The actual enforcement of this much abused and violated amendment would produce more profound changes in conditions of civil and personal liberty in America than all other changes in the law could do.

Berger's bill would make violations of the amendment by public officials a federal offense, punishable by two years' imprisonment, or a fine of \$5,000, or both.

It will be interesting to observe how far this measure so eminently necessary, just and fitting, can go against the opposition of the American plutocracy.

In speaking in behalf of this measure, Representative Berger tore the mask off from American conditions exposing as has seldom been done by public officials the fact that civil liberty is dead in America and cannot be resurrected until this fundamental provision of the Constitution is enforced.

Among other things, Congressman Berger said: "Putting teeth into the 18th amendment has become a favorite topic with the Anti-Saloon League and its servants in public office ever since it was adopted. The Volstead act was the first law passed with that object in view, and while other additions have been adopted since, the talk of adding more teeth still continues. "It has never been suggested by any group of reformers," however, that teeth also should be put into the first amendment, which was considered the most important one in our Bill of Rights by both Thomas Jefferson and Alexander Hamilton, who otherwise did not agree on very many things. "Mr. Berger continued to express his belief that the first amendment could be enforced without trouble if a law is passed for that purpose. In this, he asserted, it differed from the 18th amendment, "which cannot be enforced, as experience has shown. "The first amendment," Mr. Berger said, "is the most essential to the preservation of the fundamental rights of Americans. Moreover, it dif-

fers from the other amendment of which we hear so much in that it was designed to protect the liberty of the citizen, instead of limiting it. "The right of the people to speak freely, to write freely, and to assemble for the purpose of discussing their grievances lies at the basis of all other rights. Yet, as a matter of fact, this most important amendment, like several other amendments to the constitution, is today a dead letter. "At this very moment men are held under \$20,000 bail at Passaic, N. J., merely because they dared to exercise the right of free speech and free assembly, even though they exercised it only on a privately owned lot. Free speech has most certainly become next to impossible in this country. "Although the first amendment is the fundamental basis of all liberty, all true patriotism and all real Americanism, Mr. Berger continued, it is decidedly unpopular in certain quarters today.

**Americans Have Changed** "Many Americans today," he asserted, "are far different from the Americans of the 18th century who demanded adoption of this amendment before they would adopt the constitution. American business men today worship Mussolini, who brags that he slips his feet on liberty. Many wealthy Americans today envy Italy, Spain and Greece their dictators. "They find fault with the Russian Communists, not on account of their methods, or because a small oligarchy is ruling Russia, but because Trotsky, Lenin and their friends have laid hands on the sacred rights of property. Every day one can hear business men deploring the fact that congress is in session and wishing it would adjourn forever. And such an obedient congress at that!

"Of course we hear a great deal about Americanism, but in the main this means that children should be compelled to salute the flag, or to write essays about the constitution—even though the most important parts of that constitution are a dead letter and apparently are to remain so. "Patriotism today, likewise, does not mean the greatest good for the greatest mass; it means military display—Flag day, Navy day, Defense day, and so forth. And democracy today means jobs for deserving incompetents. "If Thomas Jefferson were to rise from his grave the Democratic statement of the south would put him into jail immediately as a dangerous

radical, since he said that violent revolutions are needed every 25 years to preserve liberty. "During war time the first amendment to the constitution was suspended by the Democrats with the unanimous consent of the Republican party. It was supposed at the time that this was to be only a war measure, but what too far-sighted men predicted at that time has happened. The most important rights guaranteed by the constitution are still suspended, and unless they are backed up by enforcing laws, they will remain dead. And to re-establish the first amendment to our constitution to protect free speech, free press and the right of free assembly—is the purpose of my bill."

**The Appeal Army Wins Big Victory** (Continued from Page 1) flooded with requests that the citizenship of Debs be restored, Chairman Johnson confessed in making the announcement. Socialist newspapers, he stated, contained misleading stories as to the citizenship of Mr. Debs, and that on the basis of these stories May Day demonstrations and appeals to Congress were being planned. Congressman Johnson suggested that members of Congress receiving such letters and appeals from their constituents SHOULD ANSWER THEM BY SAYING THAT DEBS HAD NOT LOST HIS CITIZENSHIP. Clearly Representative Johnson was nervous over the possibility of some such revelation of the disfranchisement fraud of the Administration as Morris Hillquit was then making. Unfortunately for the Committee on Immigration and Naturalization, while Mr. Johnson was making that speech the first issues of the Appeal containing the exposure of the disfranchisement fraud were being prepared for the mails in Chicago. If Mr. Johnson's advice to Congressmen to write their protesting constituents that Debs had never been disfranchised was intended as an effort to forestall exposure from other sources, he was again unfortunate.

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**HAVE HAD AN OPPORTUNITY TO CONFESS THE TRUTH FIRST.** In giving this advice to Congressmen, Mr. Johnson was unfortunate in another respect: **THESE CONGRESSMEN HAD ALREADY INFORMED THEIR CONSTITUENTS BY NUMEROUS LETTERS, MANY OF WHICH HAD FOUND THEIR WAY TO THE APPEAL, EITHER BY IMPLICATION OR DIRECT STATEMENT, THAT DEBS HAD LOST HIS CITIZENSHIP.**

The American Appeal has many of these letters. **EVERY ONE OF THEM ARE REPLIES BASED UPON THE IMPLICATION OR MAKING THE DIRECT STATEMENT THAT DEBS WAS DISFRANCHISED.** Nearly a third of them declare they will not vote against the restoration of Debs' citizenship if they get a chance, more than a third of them state that they will vote for Debs' citizenship if the occasion presents itself. **FULLY A THIRD OF THEM PLAINLY SAY THAT THE ONLY WAY DEBS CAN HAVE HIS CITIZENSHIP RESTORED IS TO OBTAIN A PARDON FROM THE PRESIDENT.**

These congressmen will have a difficult time after writing letters of this kind explaining that Debs has never been disfranchised. There is another peculiar thing about Representative Johnson's admission of Debs' citizenship. He stated that his committee had tabled Berger's resolution because Debs had not been deprived of his citizenship. It is strange that this reason never occurred to any of the spokesmen of this committee until the mails were filled with protests and the exposure of the disfranchisement fraud was in the air.

Why was not this explanation offered when Berger's resolution was first tabled? Why was Debs' citizenship kept a secret so long by the members of the Committee on Immigration and Naturalization? The Appeal pleads guilty to Johnson's charge that the Socialist papers were misleading the people regarding Debs' disfranchisement. The Appeal misled the people only because it was misled by the Committee on Immigration and Naturalization, which confessed it knew the truth but didn't tell it; the Administration and Department of Justice officials, who plainly stated or implied many times that Debs was disfranchised, and some thirty or more Congressmen who reiterated this deception above their own signatures.

**THE STAFF OF THE APPEAL PLEADS GUILTY OF HAVING BEEN SIMPLE-MINDED ENOUGH TO BELIEVE THIS IMPOSING ARRAY OF GOVERNMENT OFFICIALS AND REPRESENTATIVES IN CONGRESS, MOST OF THEM LAWYERS,**

# The Rise and Fall of Freedom of Speech in the United States

(Compiled by the American Civil Liberties Union, New York City, February, 1924.)

## Rise of Free Speech

The Federal Constitution as originally drafted contained no guarantees of religious or civil liberty except to forbid any religious test oath and to protect members of Congress in free discussion. The Constitution was bitterly opposed in the state conventions. To allay opposition, the advocates of the Constitution promised to procure the addition of the free speech and other Bill of Rights amendments. But for this, the Constitution would not have been ratified by the states. The debates in Virginia, New York, Massachusetts and Pennsylvania, and the protests of Rhode Island and North Carolina, which refused to ratify on any terms, express the distrust which the original omission of civil liberties safeguards inspired. At the first session of Congress, a Bill of Rights was adopted and submitted to the states, and became part of the Constitution November 3, 1791. Similar clauses were eventually inserted in the constitutions of all the states and became a part of the fundamental law of the country.

The Alien and Sedition Laws of 1798 again raised the issue of freedom of speech and the press. These laws, enacted to counteract the influence of the French revolution, were bitterly fought, and when Thomas Jefferson became president in 1801 all those convicted under them were pardoned and all fines were remitted. The laws never reached the Supreme Court. No other laws penalizing utterances were passed by Congress until the Espionage Act of 1917, and though a few such state laws were passed, none ever raised the issue by enforcement, nor did any get to the Supreme Court of the United States for decision.

## Free Speech Overthrown

The first break in our traditional policy of not penalizing utterances in the absence of overt acts came with the World War in 1917, when sweeping federal and state sedition legislation was passed. Not content with which, some 2,000 prosecutions were brought, many states enacted similar and more drastic laws of their own, applying to times of peace as well.

The issue of freedom of speech did not end with the war. In the legislative sessions which followed the armistice, emergency laws against "sedition," "criminal syndicalism," "sabot-

age" and the display of the red flag adopted by state after state. Some of the war-time statutes were extended automatically to peacetime or were adapted to that purpose by slight changes.

"These statutes are not directed against those who commit or actually plan violence, but against those who express or even hold opinions which are distasteful to the substantial majority of citizens," says Prof. Zechariah Chafee of the Harvard Law School in his book, "Freedom of Speech." "Some of them are so sweeping as to suppress agitation which is neither dangerous nor anarchistic. \* \* \* Most of them \* \* \* make opinions in themselves and for their own sake crime, although there is no direct and dangerous interference with order, and only a remote possibility that violence will ensue."

There are several types of these acts, the most important being the group of criminal anarchy, syndicalism and sabotage statutes enacted by thirty-four states. The criminal anarchy and sedition laws, patterned after the New York Anarchy Act of 1902, passed following the assassination of President McKinley, define "criminal anarchy" and "sedition" as "the doctrine that organized government should be overthrown by force or violence or by assassination" \* \* \* or by any unlawful means."

The syndicalism statutes define "criminal syndicalism" as "any doctrine \* \* \* advocating the commission of crime, sabotage" \* \* \* or unlawful acts of force and violence" \* \* \* as a means of accomplishing any control or effecting any political change." "Sabotage" is defined as "willful and malicious physical damage or injury to physical property." These acts are almost uniform in phraseology. Idaho having supplied the model in 1917. It is a felony to advocate these doctrines in speech or writing or to join any organization advocating them.

## Worthy of Dark Ages

Some of the statutes go even further in defining prohibited doctrines. In Connecticut, for instance, the forbidden doctrine need not involve force or violence: "No person shall in public, or before any assembly of ten or more persons, advocate in any language any measure, doctrine, proposal or propaganda intended

to injuriously affect the government of the United States of Connecticut."

Regarding the need for such legislation, Professor Chafee says: "As far as state prosecutions are concerned, there has been very little need for specific legislation against anarchy and criminal syndicalism. Actual violence against government, life and property is punishable everywhere. Those who plan or counsel such violence are liable even if they do not actively participate. Nor is it necessary that any criminal act shall take place. An unsuccessful attempt at a serious crime or a definite solicitation of another to commit it, is punishable under the general criminal law. \* \* \* The normal law of the states \* \* \* apart from any legislation against anarchy, enables the police and the courts to deal vigorously with actual or threatened insurrection, explosions or assassinations."

## Courts Uphold Gag Laws

The constitutionality of these laws has not yet been passed upon by the United States Supreme Court. The test cases have been appealed to the court. One is the case of *Bridges v. United States*, under the New York criminal anarchy act and the other that of *Charlote Anita Whitney* under the criminal syndicalism law.

## Other Restrictive Laws

In addition to the criminal syndicalist and other laws described, several states have enacted statutes limiting civil rights. Eight states have adopted laws which forbid the display of the flag in parades or public processions. Some make possession of an offensive or radical socialism a misdemeanor. The Massachusetts red flag law was declared unconstitutional by the supreme court in 1920.

In California, the injunction issued by Justice Busick enjoining the use of the state criminal syndicalism law and recently upheld by the supreme court (*State vs. Whelan*) has become one of the chief weapons against the I. W. W.

# Civil Liberties Union Explains Amnesty Drive

Debs and the 1,500 victims of the War Espionage Act undoubtedly are citizens of the United States.

After the enactment of this fact for years by two Administrations, a representative of the government, Representative Albert Johnson, chairman of the House Committee on Immigration and Naturalization, made an open confession of it on the floor of Congress.

No government official will dare to go back of that announcement. The de-facto myth has been definitely exploded.

But the work of the Appeal army, the Appeal readers and the friends of Civil Liberty in behalf of these 1,500 war espionage victims is not yet over. Most of the states in which they live have laws imposing civil restrictions and disabilities on persons convicted of crime. Debs in this respect is more fortunate than most of them. His state, Indiana, imposing on him the withdrawal of his right to withhold any state office.

The Civil Liberties Union has indicated the status of these men extensively. It was discovered that a pardon from the President will remove all these state disabilities. It has, therefore, inaugurated a great, nationwide drive for a general Amnesty Proclamation by the President.

The Appeal unhesitatingly supports this drive. It calls upon its Army and all its readers to give this worthy and important drive full and unflinching support. THE REAL OBJECTIVE OF THE APPEAL'S CITIZENSHIP

DRIVE IS NOT ATTAINED UNTIL THIS AMNESTY PROCLAMATION BY THE PRESIDENT COVERING ALL PERSONS CONVICTED UNDER THE ESPIONAGE LAW BECOMES A FACT.

Full information concerning these Espionage cases and the drive to obtain an amnesty proclamation from the President covering all of them is given below.

## Report on Espionage Cases and Amnesty by Civil Liberties Union

### Civil Disabilities Imposed by States

No federal statute prescribes loss of civil rights as consequence of conviction in a criminal offense, except in the case of two specific offenses, treason and desertion.

Under the laws of the states, however, substantial civil disabilities follow conviction for federal offenses carrying severe punishment. The New York laws may be taken as typical.

Section 152 of the Election Law provides that no person who has been convicted of a felony shall have the right to vote, unless he shall have been pardoned and restored to the rights of citizenship. The State At-

torney General has held that this applies to federal offenses, at least if such offenses are of a class which would be regarded as felonies under the laws of the state. (Op. Attorney General, 1912, page 339.)

Section 477 of the Judiciary Law provides that a person convicted of a felony shall not be competent to practice law. The New York court has held in an anonymous case (36 N. Y. 562) that a pardon does not necessarily restore a person's fitness to practice law. Other courts have taken the view that a pardon wipes out the crime and the penalty, and that a disqualification to practice law must be classified as a penalty.

Section 161 of the Public Health Law forbids the practice of medicine by a person who has ever been convicted of a felony by any court, but provides that upon pardon by the governor of the state where the conviction was had, or by the President of the United States, the right to practice medicine may be restored by the State Board of Regents, in their discretion.

Section 502 of the Judiciary Law, prescribing the qualifications of trial jurors, provides merely that jurors must be "of fair character; of approved integrity; of sound judgment, and well informed." But in other states disqualification for jury service is specified.

There are also certain minor inconveniences suffered by persons convicted of a felony under federal law. Such persons would probably have difficulty

in practicing any occupation for which a license and a "fair moral character" are required. They would doubtless be regarded as disqualified to hold the office of notary public or commissioner of deeds. In states where the common-law rules as to competency of witnesses are still in effect, a person convicted of a felony is disqualified as a witness, unless he is pardoned.

### History of Release of the Prisoners

Immediately after the armistice in 1918, the Special Assistant to the Attorney General in charge of war cases, Mr. John Lord O'Brien, began a study of the convictions under the Espionage Act with a view to recommending executive clemency, particularly in the cases where excessive sentences had been imposed under the stress of war conditions. As a result a special report was made by the Attorney General to the President early in 1919 and 200 sentences were commuted, some to expire at once and others to much shorter terms than the original sentences.

At the same time the War Department proceeded to review sentences passed upon soldiers by court-martial with a view to extending clemency where the sentences were excessive under the pressure of the war. As a result several hundred cases were reviewed and hundreds of sentences commuted.

The government's policy of reviewing all the cases of persons imprisoned for offenses of a political nature dur-

ing the war was stopped by considerations of public policy due to the increasing activities of the radical groups in 1919.

Those convicted are still today under various civil disabilities.

The acts for which the punishments were imposed were in all these cases verbal. Whatever the statutory description of the offense charged, the evidence consisted chiefly of printed or spoken disapproval of the war or of the draft.

The basis of criminality was the supposed tendency of various opinions to prejudice the success of our arms. In firming convictions the appellate courts held simply that the records contained evidence sufficient to go to the jury upon the questions of harmful tendency and intent. The stress of the times made it natural for jurors to exaggerate tendencies, and in some cases to impute intentions quite different from those actually entertained. The loyalty of the defendants' expressions was hotly impugned; their sincerity, however, in all cases which have come under our observations, was not open to question.

Among all classes of offenders covered here the belief was prevalent that their conduct was within their rights as set forth in the first amendment to the federal Constitution. The courts held otherwise. The belief, however, was honestly entertained. It was not unreasonable in view of the fact that at no previous time in our history (save under the Alien and Sedition Laws in 1798) had Congress

penalized utterances. This view was supported in certain notable cases by dissenting opinions by Justices of the Supreme Court of the United States.

The necessity or expediency of suppressing and penalizing certain utterances and advocacies in time of war is not now involved. No interest of the federal government is now served by the protraction in time of peace of the incidental consequences of such suppression in time of war. It is not the spirit of our institutions that their conduct in wartime may be deemed, should be permanently subject to civil disabilities. To exclude them from civic functions is to fasten upon them a sort of outlawry and to foster among them and their sympathizers a hostility to the institutions from which they are debarred. Our country can afford to be as generous today toward those who differed with the majority as it was after the Civil War.

During and just after the World War many persons were convicted under federal laws for utterances either directly opposing the war or construed as doing so. No exact figure of the total number convicted can be given, though Department of Justice reports show a total of 933 (363, 1917 to 1918; 514, 1918 to 1919, 55 after June 30, 1919). These figures cover cases, not persons. Many cases involve more than one person. In addition there were conspiracy cases involving approximately 200 persons not listed in the reports. The total number

of convictions for utterances can be roughly estimated between 1,400 and 1,500.

After the war most of those serving prison sentences were released by Presidents Wilson and Harding by commutations recognizing that further imprisonment served no public purpose, and that the sentences—many of them for very long terms—were imposed to meet an emergency which had passed. Public announcements of the government's policy were made both by President Wilson and by President Harding and by their attorneys general.

The government did not again move to extend clemency to war prisoners convicted under the Espionage Act until December, 1921, when the sentences of Eugene V. Debs and twenty-five others were commuted by President Harding. Again in the summer of 1922 twelve more sentences of such prisoners were commuted. President Coolidge, on the report of a special commission, released all the remaining prisoners of this class in December, 1923.

The government did not follow any definite policy in dealing with these prisoners, due to changes in administration and in the Department of Justice. They were, however, recognized as a special group to be considered apart from ordinary offenders and the extension of executive clemency to them was based on the fact that the war emergency had passed and that no public good was served by their further imprisonment.

# The Espionage Act—A Monster That Awaits You In Next War

The infamous Espionage Act, the supreme blow against American Liberty is still on the statute books of the United States.

It has only been suspended during peace time.

IT WILL BECOME A LAW AUTOMATICALLY THE MOMENT WAR IS DECLARED.

As soon as the war is declared for which the agents of the administration are now taking an inventory of the resources of the United States, you may not utter a word in protest against this matter what a horror or what an outrage it may seem to you. You may not acclaim the right, no matter how clear and sublime that right may be, if it opposes the slaughter.

### Present Espionage Act

"Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States, or to promote the success of its enemies, and whoever when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military and naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than \$10,000, or imprisonment of not more than twenty years, or both."

### A Weapon of Reaction

This is the act under which the majority of the convictions and drastic sentences were meted out to who ever dared to advocate during the war peace doctrines they had advocated before the war.

Experience has shown that it can be so construed by reactionary fanatics that persons who have always condemned war as a barbarous process of mass-murder cannot continue under its operation to do so. Men who always stated the economic cause of war cannot pronounce this truth during war.

IN THE HANDS OF WAR FANAT.

ICS AND REACTIONARIES SERVING THE GREAT SPECIAL INTERESTS. THIS LAW CAN BE SO APPLIED THAT ANY CRITICISM OF THE GOVERNMENT, NO MATTER HOW ESSENTIALLY PATRIOTIC; ANY PROTEST AGAINST THE WAR REGIME, NO MATTER HOW JUST, CAN BE SO CONSTRUED AS TO LAND THE VICTIM IN PRISON FOR TWENTY YEARS.

**Death Trap for Workers**

Under the provisions of this act, no advocates of industrial or political changes or improvements in the existing system can express themselves with impunity. IT IS UNDOUBTEDLY AIMED TO SUPPRESS OR HOLD IN CHECK ALL TENDENCIES TO CHANGE THE PRESENT INDUSTRIAL SYSTEM.

This law is a sleeping reptile. It is one of the pleasant little devices of terror enslavement and destruction the ruling interests have in cold blood for the people. IN CASE OF NEED. In connection with the American Legion's bill providing in case of war for the compulsory draft of the entire manhood of the nation for military and industrial purposes, and making the President a war dictator, the Espionage Act requires sinister significance.

THE TWO TAKEN TOGETHER LEAVE NOTHING TO BE DESIRED REGARDING THE ESTABLISHMENT OF A FULL-FLEDGED DICTATORSHIP OF THE AMERICAN PLUTOCRACY, WHEN IN ITS JUDGMENT THE TIME IS RIPE FOR THIS.

Arises like a great shining hope, a thing of beauty and power—the NEW GODDESS OF LIBERTY—Socialism—Industrial Democracy.

will restore personal and civil liberty. It will restore manhood and womanhood to true sovereignty, dignity and grandeur; it will make America freer, braver, stronger, happier than ever has been before. BECAUSE IT WILL MAKE THE WHOLE PEOPLE OWNERS AND MASTERS OF THE INDUSTRIAL AS WELL AS THE POLITICAL LIFE OF THE NATION.

IT WILL REALIZE COMPLETE DEMOCRACY, AND IN DOING THIS WILL REALIZE COMPLETE LIBERTY.

The time has passed when we can win back our lost liberties while we leave intact the power that destroys them. The time has arrived when WE MUST CHOOSE BETWEEN INCREASING SLAVERY OR THE ABOLITION OF THE PRESENT INDUSTRIAL SYSTEM.

Since 1917 thirty-four states and two territories have passed laws known as "criminal syndicalism" or "peace-time sedition" laws, providing impossibly long terms of imprisonment merely for the expression of political and economic beliefs opposed to the existing industrial system.

These are the first anti-free speech laws passed by the states in the history of the country, with a few unimportant exceptions. They violate completely AND ACTUALLY DESTROY IN EFFECT THE FUNDAMENTAL GUARANTEES OF LIBERTY IN THE CONSTITUTION AND ORIGINAL LAWS OF THIS COUNTRY AND IN THE SPIRIT AND EXPRESSIONS OF THE FOUNDERS OF AMERICAN LIBERTY. They embody the spirit of the Spanish Inquisition and the witch-burning spirit of early New England.

Most of the states adopted these laws AFTER THE WAR WAS OVER. Many were adopted in 1919 during the anti-red craze, fanned into flames and kept alive by reactionary capitalist organizations and the Department of Justice of the United States serving the same organizations. THESE LAWS ARE SO MUCH ALIKE IN THE VARIOUS STATES THAT THE CONCLUSION IS UNAVOIDABLE THAT THEY WERE PREPARED AND PUSHED IN THE VARIOUS LEGISLATURES IN AN UNDERCOVER CAMPAIGN BY THESE SAME DARK ORGANIZED CAPITALISTIC AGENCIES.

The following states and territories have enacted criminal syndicalism, anarchy and sedition laws and laws against the display of the red flag. Here are the states with the term of imprisonment imposed:

Alaska, 10 years; Arizona, 10 years; California, 1 to 10 years; Hawaii, 10 years; Idaho, 10 years; Iowa, 10 years; Kansas, 1 to 10 years; Kentucky, 21 years; Michigan, 10 years; Minnesota, 10 years; Mississippi, 3 to 20 years; Montana, 1 to 5 years; Nevada, 10 years; Ohio, 10 years; Oklahoma, 10 years; Oregon, 1 to 10 years; South Dakota, 1 to 25 years; Utah, 1 to 5 years; Washington, made a felony; Wyoming, 5 years; Alabama, 10 years; Arkansas, 6 months; Colorado, 20 years; Connecticut, 3 years; Illinois, 1 to 10 years; Indiana, 5 years; Louisiana, 20 years; Massachusetts, 3 years; New Hampshire, 10 years; New Jersey, 20 years; New York, 10 years; Pennsylvania, 20 years; Rhode Island, 10 years; Vermont, 3 years; West Virginia, 1 to 5

# Lest We Forget These Martyrs Imprisoned for Their Opinions

### By Mary O'Reilly

#### Mooney and Billings

Tom Mooney and Warren K. Billings are still in prison. They were convicted upon the evidence of witnesses who afterwards confessed that they had been bribed to commit perjury. The case showed the most flagrant official corruption, jury tampering and contempt of justice. The committee appointed by President

#### Ford and Suhr

Twelve years ago the hoppers on the Durst ranch, Wheatland, California, struck against intolerable conditions. They were organized and led by Richard Ford and Herman Suhr. The strikers were peaceable until they were fired upon in an unprovoked attack by officers. One of the strikers returned the fire and was killed. Ford and Suhr were arrested as leaders of the strike. They were not even accused of counseling violence but, as leaders of the strike, they were imprisoned, subjected to tortures and indignities. They were finally convicted and have served twelve years. Ford was recently released but was arrested immediately, upon another count growing out of the same strike upon which he must stand trial.

Herman Suhr is still in prison although all of the members of the jury which convicted him have signed a request for his pardon.

#### The Centralia Cases

In 1919 the I. W. W. hall in Centralia, Washington, was raided by a mob. Some of the members attempted to defend themselves but were overwhelmed by numbers. Leslie Everett was brutally murdered while trying to escape. Eleven members of the organization were arrested Armistice night. They are still in prison although there was no attempt to bring to justice the members of the lawless mob which made an unprovoked attack upon them and murdered their comrade.

#### Edgar Coombs

Edgar Coombs is now imprisoned at Moundsville, West Virginia. He was arrested with 812 others for the murder of John Gore who was killed in the fighting at Beech Creek during the trouble in the mines of West Virginia. All of those arrested are now out except Coombs who has aroused the special enmity of the operators. He was sentenced to 99 years which was afterwards reduced to 11 years. He was denied the change of venue to another county granted to other union men held on charges of murder and treason. He is now serving his sentence while his wife and six children carry on the weary struggle for existence.

#### Anita Whitney

Anita Whitney who has recently won the right to have her case reviewed by the United States Supreme Court, was convicted in the courts of California and imprisoned solely because of her membership in the Communist-Labor Party.

#### Anthony Bimba

Anthony Bimba, the editor of a Lithuanian paper in Brockton, Mass., was arrested and charged with "Blasphemy" and Sedition. The charge of blasphemy was brought under a statute 229 years old. He was acquitted on the blasphemy charge but sentenced to pay a fine of \$100 under the Pennsylvania war-time sedition law which is still in force. Similar laws passed under the spirit of wartime hysteria are still on the statute-books of 35 states.

#### Crouch and Trumbull

They were two young soldiers in Schofield Barracks, Hawaii, who "openly declared themselves communists" and in sympathy with the workers' cause. Crouch was sentenced to forty years hard labor and Trumbull to twenty-five. On account of their "unusual intelligence" they were considered dangerous by army authorities. The sentences were afterwards commuted. Trumbull having served one year is now free. Crouch is serving a three-year sentence.

#### Folsom, California, Cases

In Folsom, California, sixty-one men are serving sentences of from one to fourteen years under the California syndicalism law. Most of them were sentenced merely for membership in the I. W. W. which constitutes crime under that law. Among those convicted are a number who were summoned as witnesses in other cases. While on the witness stand they were asked the question "Are you a member of the I. W. W.?" Those who answered "Yes" were arrested after leaving the stand and convicted. No proof of crime or violence is necessary under the vicious California law.

### Denies True Patriotism

You may not warn your country, no matter how much you love your country and how keenly you feel the danger to your country, if that warning is in opposition to that war.

You cannot be true to your conscience; you cannot be true to your country as you see it; you cannot be a free self-respecting, upstanding individual. If being these conditions is in opposition to the war—UNLESS YOU ARE READY TO GO TO PRISON FOR THE BETTER PART OF YOUR LIFE.

Read this law. Get the meaning of it and ask yourself if you should not oppose it while you can and take steps to wipe it off the statute books while you may.

### 34 States Have Laws That Kill Basic Liberty

Since 1917 thirty-four states and two territories have passed laws known as "criminal syndicalism" or "peace-time sedition" laws, providing impossibly long terms of imprisonment merely for the expression of political and economic beliefs opposed to the existing industrial system.

These are the first anti-free speech laws passed by the states in the history of the country, with a few unimportant exceptions. They violate completely AND ACTUALLY DESTROY IN EFFECT THE FUNDAMENTAL GUARANTEES OF LIBERTY IN THE CONSTITUTION AND ORIGINAL LAWS OF THIS COUNTRY AND IN THE SPIRIT AND EXPRESSIONS OF THE FOUNDERS OF AMERICAN LIBERTY. They embody the spirit of the Spanish Inquisition and the witch-burning spirit of early New England.

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### Do You Know That Liberty is Dead?

(Continued from Page 1)

#### Do You Know

21—That the American passport system has been subordinated to this atrocious process of exterminating those opposed to the rule of the American plutocracy and that within a year this system has been used to bar from America the former radical president of Hungary, a Communist member of the British parliament and Anna Kiplov, wife of an American citizen who had committed the crime of having lived in a Russian co-operative colony.

#### Do You Know

22—That in certain sections of industrial America, notoriously in Pennsylvania and West Virginia industrial corporations pay the salaries of deputy sheriffs and state officers who enforce the laws on strikers and resisting workmen?

#### Do You Know

23—That this spirit of lawless oppression through the law is not abating in America, and that a NATIONAL ESPIONAGE BILL IS NOW BEFORE CONGRESS?

#### Do You Know

24—That the United States had on its statute books before the war and still has a law automatically making of able bodied males in the United States between 18 and 45 members of the militia subject to such orders as the president may make in the face of what he may consider an emergency.

#### Do You Know

25—That, not content with this drastic and thoroughgoing militaristic law, a new law is now before Congress,

### American Liberty Past and Present

(Continued from Page 1)

#### Do You Know

26—THAT THE ACTUAL OPERATION OF ALL THE LAW VIOLATIONS NAMED ABOVE WOULD DESTROY THE WHOLE SUPER-STRUCTURE OF AMERICAN LIBERTY, AND EVERY ONE OF THESE SO-CALLED LAWS AND CONDITIONS WILL BE GIVEN FULL EFFECT WHENEVER THE AMERICAN PLUTOCRACY FEELS THAT SUCH ACTION IS NECESSARY TO PRESERVE ITS POWER AND PLUNDER?

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