

DEBS'

ADDRESS TO THE JURY

...AND...

Statement to the Court.



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P R E F A C E

On September 12th, Eugene V. Debs, one of the foremost American Socialists, was convicted of having violated the Espionage law in a speech delivered at Canton, Ohio, June 16th. On September 14th, Debs was sentenced to ten years in prison.

The trial took place at Cleveland, Ohio. Debs was defended by Seymour Stedman and William A. Cunnea of Chicago, Joseph Sharts of Dayton and Morris Wolf of Cleveland. The case was tried before Federal Judge Westenhaver. At the close of the Government's case Debs refused to allow any witnesses to be put on in his defense and through his chief counsel, Stedman, announced that he would plead his own cause to the jury.

The case was appealed to the Supreme Court of the United States to test the constitutionality of those sections of the Espionage law under which the indictment was returned. Debs is at liberty on bonds of ten thousand dollars pending final action by the higher court. The cost of appealing the case will run into thousands of dollars and every Socialist is urged to raise such sums as he can and forward them to Oliver C. Wilson, Room 405, 803 West Madison Street, Chicago, Ill.

The speech to the jury and the address to the court herein printed are somewhat abridged. All those parts relative to the war have been left out. This has been done because with the case now pending before the Supreme Court, we have no desire to print anything that is brought into question by the appeal.

The parts of the speech to the jury and the address to the court herein given are presented to indicate the attitude of the defendant on the subject of free speech and free press and on social, economic and political questions.

DEBS' ARGUMENT TO THE JURY

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 assistant 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.

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 the charges set out in the indictment. I admit having delivered the speech. I admit the accuracy of the speech in all of its main features as reported in this proceeding.

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.

From what you heard in the address of the counsel for the prosecution, you might naturally infer that I am an advocate of force and violence. It is not true. I have never advocated violence in any form. I always believed in educa-

tion, in intelligence, in enlightenment, and I have always made my appeal to the reason and to the conscience of the people.

I admit being opposed to the present social system. I am doing what little I can, and have been for many years, to bring about a change that shall do away with the rule of the great body of the people by a relatively small class and establish in this country an industrial and social democracy.

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.

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 have 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 penalty.

A century and a half ago when the American colonist were still foreign sub-

jects, 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 the 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..... 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, Paine—these were the rebels of their day. At first they were opposed by the people and denounced by the press.....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.

At a later 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..... All of the organized forces of society, all of the powers of government upheld chattel slavery in that day. And again a few advanced thinkers appeared. One of them was Elijah Lovejoy.....Elijah Lovejoy was murdered in cold blood at

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 from his own eloquent lips just a little while before they were silenced in death.

William Lloyd Garrison, Garret Smith, Thadeus 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 memories, 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 masses who are gradually becoming conscious of their interests, 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.

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 criticised, if I have 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 has been engaged in a number of wars, and 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.

The war of 1812 was opposed and condemned; the Mexican war was bitterly condemned by Abraham Lincoln, Charles Sumner, Daniel Webster and Henry Clay. 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 today 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 today in defending the constitution of the United States? The revolutionary fathers who had been oppressed under king rule understood that free speech and free press 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 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. ¹

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 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 the negation of every fundamental principle established by the Constitution, then certainly I am unable to read or to understand the English language.

Now, in the course of this proceeding you, gentlemen, have perhaps drawn the inference that I am Pro-German in the sense that I may have 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 can 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 murder.....

With every drop of blood in my veins I despise Kaiserism, and all that Kaiserism expresses and implies. I have my sympathy with the struggling, suffering 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.

And now, gentlemen of the jury, I am not going to detain you too long..... I cannot take back a word. I cannot repudiate a sentence. I stand before you guilty of having made this 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 your verdict.

STATEMENT TO THE COURT

After motion for a new trial had been overruled, Debs was asked if he had anything to say before sentence was passed upon him. His statement to the court was as follows with the exception of those parts which have been omitted as stated in the preface:

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 soul in prison, I am not free.

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.

I have no fault to find with this court or with the trial. Everything in connection with this case has been conducted upon a dignified plane, and in a respectful and decent spirit.....

Your honor, I have stated in this court that I am opposed to the social system in which we live; that I believe in a change—but by perfectly peaceable and orderly means.

Let me call your attention to the fact this morning that in this system 5% of our people own and control two-thirds of our wealth; 65% of the people, embracing the working class who produce all wealth, have but 5% 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.

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, and with whom I expect to share my lot to 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 in 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, 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 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 lives are 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 victims 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 the interest of a higher humanity.

When 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—when I think of them at work in a vitiated atmosphere, when I think of them at work when they ought to be at play or at school, when 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 modern life.

Your honor, the 5% of the people that I have made reference to constitute that element that absolutely rules our country. They privately own all our necessities. They wear no crowns; they wield no sceptres; they sit upon no thrones; and yet they are our economic masters and political rulers.

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 that are 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 on 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 an 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 blessings 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 spreads over the face of all the earth.

There are today upwards of sixty millions of 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 the night. They are still in the minority. They have learned how to be patient and to 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.... the harmonious co-operation of every nation with every other nation on earth.

Your honor, in a local paper yesterday there was some editorial exultation about my prospective imprisonment. I do not resent it in the least. I can understand it perfectly. In the same paper there appears an editorial that has in it a hint of the wrong to which I have been trying to call attention. (Reading)

“A Senator of the United States receives a salary of \$7,500 — \$45,000 for the six years for which he is elected. One of the candidates for Senator from a state adjoining Ohio is reported to have spent through his committee \$150,000 to secure the nomination. For advertising he spent \$35,000, for printing \$30,000; for traveling expenses, \$10,000 and

the rest in ways known to political managers.”

The theory is that public office is as open to a poor man as to a rich man. One may easily imagine, however, how slight a chance one of ordinary resources would have in a contest against this man who was willing to spend more than three times his six year's salary merely to secure a nomination. Were these conditions to hold in every state, the Senate would soon become again what it was once held to be—a rich man's club.

Campaign expenses have been the subject of much restrictive legislation in recent years, but it has not always reached the mark. The authors of primary reform have accomplished some of the things they set out to do, but they have not yet taken the bank roll out of politics.”

They will never take it out of politics, they never can take it out of politics, in this system.

Your honor, I wish to make acknowledgment of my thanks to the counsel for the defense. They have not only defended me with exceptional legal ability, but with a personal attachment and devotion of which I am deeply sensible, and which I can never forget.

Your honor, I ask no mercy and 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 powers of greed on the one hand and upon the other the rising hosts of freedom.

I can see the dawn of a better day for 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 toward 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 finger-points the Almighty marks the passage of time on the dial of the universe, and though no bell may beat the glad tidings, the look-out 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.

“He’s true to God who’s true to man ;
wherever wrong is done,
To the humblest and the weakest,
’neath the all-beholding sun.
That wrong is also done to us, and
they are slaves most base,
Whose love of right is for themselves
and not for all their race.”

Your honor, I thank you, and I thank all of this court for their courtesy and their kindness, which I shall remember always.

I am prepared to receive your sentence.

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