



# Liberator

June, 1918

15 Cents

MAX EASTMAN, Editor



Story of The Masses Trial

By Floyd Dell

Art Young's Pictures of It

Max Eastman's Speech

Morris Hillquit on the  
New Espionage Law

John Reed Brings a Message  
Straight From Russia

# UPTON SINCLAIR'S

A MONTHLY MAGAZINE: FOR A CLEAN PEACE AND THE INTERNATION

We appreciate that there are many magazines, and that it takes nerve to offer you a new one. But several hundred people each week are finding it worth while to send for ours.

Louis Post, Assistant Secretary of Labor writes:

*"If you were never to write another sentence worth the reading, your articles on a "Clean Peace" and "Internation" would justify your life work. They are an inspiration at a vital moment. To use a familiar but in this case a wholly inadequate expression, they alone are worth a year's subscription. They point out the right road to the true goal. As a slight earnest of my sympathy with the spirit and tenor of those articles and of my confidence that you will make your paper's policy vital with their vitality, I am enclosing check and list of subscriptions."*

Governor Hunt of Arizona put all his state institutions on our list. We have had letters of appreciation from people so different in their points of view as Colonel House, Count Tolstoi, Senator Williams, Congressman Baer, Eugene V. Debs, William Allen White, David Starr Jordan, William J. Robinson, Harvey J. Wiley, James P. Warbasse, Gertrude Atherton.

"Now, as so often in the past, I stand immeasurably your debtor for high thought and noble spirit." John Haynes Holmes.

May issue now ready. Ask your newsdealer. Free sample on request. Agents wanted. Subscription price one dollar per year, ten subscriptions for five dollars.

UPTON SINCLAIR, 1511 Sunset Avenue, Pasadena, California

## STUDY SOCIALISM THIS SUMMER

17 Special 2-week Vacation Courses.

1st Section: July 15th to 27th.

2nd Section: July 29th to Aug. 9th.

Take Your Vacation Then

By 2 weeks of daily work, you can cover our regular 3-months, once-a-week courses.

- I. Socialism
  - II. Public Speaking
  - III. Socialist Party Organization
  - IV. Literature and Life
  - V. Science and Society
  - VI. Music and Life
  - VII. Contemporary Economic Problems
  - VIII. History of Socialism
  - IX. Woman in Industry
  - X. Interpretation of Social Statistics
- 7 Other Courses; and English—All Grades.

### SOME OF THE INSTRUCTORS

Scott Nearing, Dr. H. W. L. Dana, Algernon Lee, Alexander Trachtenberg, James O'Neal, August Claessens, Eugene Schoen, Herman Epstein, David P. Berenberg.

Matriculation \$1.00; \$5.00 per week covers all courses. Sessions begin 8:30 a. m.; afternoon free for recreation. Write for free prospectus.

**Rand School of Social Science**

7 East 15th Street

New York City

Join

## The Co-operative League of America

2 West 13th St., New York City

*To spread knowledge, develop scientific methods, and give expert advice concerning all phases of Consumers' Co-operation.*

*\$1.00 annual membership includes subscription to*

**"The Co-operative Consumer"**

*the only national magazine in America devoted to the interests of the consumer.*

*50 cents a year, alone.*

An interpretation, at once scientific and eloquent, of poetry in life, and its relation to the poetry in literature.

## ENJOYMENT OF POETRY

By MAX EASTMAN

Editor of The Liberator

*Formerly Associate in Philosophy at Columbia University, Author of "Child of the Amazons" and Other Poems, etc.*

**\$1.25 Postpaid**

Offered by Charles Scribner's Sons through The Liberator Book Shop.

# THE LIBERATOR

EDITOR, Max Eastman  
MANAGING EDITOR, Crystal Eastman  
ASSOCIATE EDITOR, Floyd Dell

Published Monthly by the  
LIBERATOR PUBLISHING CO., INC.  
34 Union Square East,  
New York City

Copyright, 1918, by the Liberator Publishing Co., Inc.  
34 Union Square, New York.  
Application for entry as second class matter at the post office  
at New York City pending.

## CONTRIBUTING EDITORS

Cornelia Barns	Ellen La Motte
Howard Brubaker	Robert Minor
K. R. Chamberlain	John Reed
Hugo Gellert	Boardman Robinson
Arturo Giovannitti	Louis Untermeyer
Charles T. Hallinan	Charles W. Wood
Helen Keller	Art Young

## Subscription Rates:

\$1.50 a Year. Half Yearly, 75 cents. Foreign, \$2.00.

Rates on Bundle Orders and to Newsdealers on Application.

## A Tribute from a Soldier

*The War: Springtime*

THIS is a letter from a soldier to whom your new magazine has come as a draft of sweet air in, say, a Methodist prayer meeting on an August evening. The reading tables in barracks, library and "Y" huts offer many magazines, ranging all the way from the New Republic to Snappy Stories. (Ranging upward or downward as you may please.) They are interesting. So is the war. So might be the prayer meeting. In the usual publications as in the usual religious enterprises and the cantonments there is material to think about, but so little encouragement! We in the army need encouragement because we know, better than any of you know, what a devil of a state civilization is in.

We are here for a variety of reasons. Some of us are in it because it is the biggest thing that has ever been pulled and we just naturally *have* to watch the process from the point of view of a cog. . . . or a metal atom in a cog.

The army is intensely interesting, the most interesting experience I have ever had, barring a love affair with my wife. But occasionally it closes in on you. You look for thought among the men and there is none. You look for significance in their reactions and find it so rarely. You look, now and then, at the world outside and it is all rushing forward in such a torrent of physical purpose that you would like to get away into the woods and lie on your back and talk about common birds and extraordinary planets with your sweetheart and forget this man-choked camp and all that it so unconsciously means.

The whole thing is so discouraging if you consider it only intrinsically—just like the elder, droning away in prayer or reveling in a debauch of testimony. You become impatient for it to come to a close so you can get outside and swear or sing and feel the night wind.

And then some one comes in, quietly and humbly and leaves the door open and August whiffs at you and you breathe deeply and can take an interest in what's happening . . . and know that when you are out in the night you'll have a wonderful time talking it over, that you have learned something after all.

That's what happened to me when my best friend, who happens to be my wife, sent me the first two copies of THE LIBERATOR. They are tucked under the blankets of my folding cot now. Yesterday was Sunday and I lay in barracks and read your editorials and John Reed on Russia and Hortense Flexner's verses about shattered trees, and Brubaker's darts, and Floyd Dell's review of "Political Ideals" (which,

by the way, was another welcome draft). . . . I didn't miss a line in a paragraph or a shading in a picture, and when I had finished, I wrote things in my diary with a renewed determination to find out all I can of this affair, and remember it, and add it up, and try to have something to say when the last hymn has been sung and we go down the steps which the trustees haven't repaired yet, and strike the open road which I can follow just as long as I darned please!

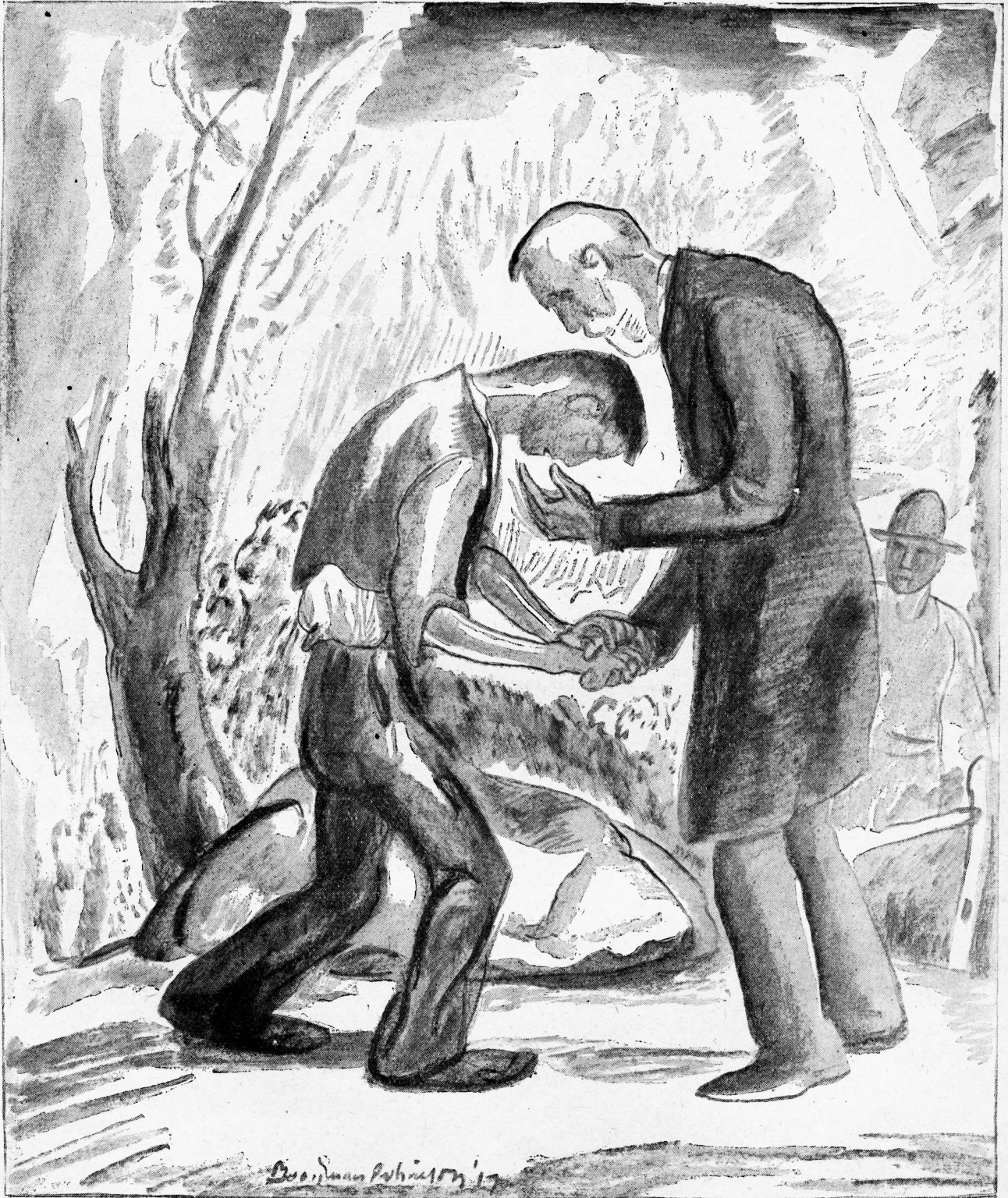
I'm a good soldier. I didn't wait to be drafted. My gang is in a jam and I had to get in myself because, even if I don't see much that is noble in gang fighting, it is interesting, and if I get out alive enough to tell about it no one can ever accuse me of having watched from the side lines. I like to drill and sing and live a regular life, and it is all so significant that I don't find the restrictions terribly galling.

The bunk does tire me, though. You don't find much of it coming from the inside. It is thrown at us, not from us. The boys are all right. . . . It is a splendid show to watch, but now and then we would like to have somebody open the door.

You have done that, Max Eastman. You let the few of us who are interested know that big ideas are current, that people are hoping, as we hope, that the end is to be a bigger stir than the war itself. My interest in the building of this big, paradoxical machine is whetted again. The possibilities of the recoil are so innumerable! It isn't going to drive right ahead to the avowed goal and stop there. We all know that. Bigger things than making the world safe by agreement of a score of men are going to happen. The truly great ideas will find, in time, fertile ground in the army, and I for one want to be in the service when the men realize what they have undergone, when they see that acquisitiveness has raised so much hell, when they come to know that nations, as we have regarded nations, can not endure in the old manner. . . . Understand me, it won't be mutiny or desertion or any of the crimes classified in the Army Regulations. It will simply be an understanding, a waking up from a tense dream, and a turning to face the new problems of construction. . . . So we hope.

THE LIBERATOR will be such a big figure! I hope you can keep right on with it. I hope you aren't scotched by the people who are blind and deaf. I shall read and re-read and cherish these copies until others come. May whatever Gods remain on the job bless you and your group.

Pvt. H. G.



**THE PRODIGAL SON AND HIS FATHER**

The Third in a Series of Biblical Designs and Character-Studies

By Boardman Robinson

# THE LIBERATOR

Vol. 1, No. 4

June, 1918

*The recent trial of the Masses editors is of such immediate and vital interest to lovers of liberty all over the country that we are devoting a large part of this issue to it. We present first a brief statement of the facts, prepared by the Masses Defense Committee, then the story of the trial, and the speeches made by Morris Hillquit and Max Eastman at a Testimonial Dinner given to the defendants by the Liberty Defense Union at the conclusion of the trial.*

## The Masses Case

THE prosecution of the editors of The Masses for "conspiracy to obstruct recruiting and enlistment" is an attack on the lawful freedom of the press.

It is not an attempt to defend the country against conspirators, spies, or any other classes of criminals contemplated by those who framed the espionage law.

It is an attempt to put four American citizens in jail for expressing their lawful opinions. And it is the culmination of a series of acts which the New York Evening Post has described as "governmental persecution."

Not one word of evidence to prove that these men ever wrote to each other, or ever discussed the subject of the draft or enlistment with each other, after the passage of the espionage law, was adduced by the government.

Not a word of direct evidence that they intended to, or wanted to, or ever even imagined or discussed the possibility that they might obstruct recruiting or enlistment.

No pretense that they ever made an attempt to reach with their magazine men of draft age or men eligible for enlistment.

No pretense that anybody was ever deterred by them from enlisting or registering under the law.

No pretense that they ever received a cent of German or pro-German money, or that they had any

pro-German friends or connections, or anything but hatred for German militarism and the German imperial government.

\* \* \*

The prosecution's evidence of conspiracy consisted solely of the open publication by these men of their opinions about the war and about the principle of conscription, and the rights of conscientious objectors, in a magazine which they owned and published without profit for the sake of individual expression.

In addition to the August, September and October issues of this magazine the government produced a telegram and a few letters written individually by two of the defendants to persons in no way connected with the case and before the espionage law was passed, in which similar opinions were expressed—none of them addressed to prospective soldiers, none of them advising against enlistment or registration. In no one of these letters was there a statement of opposition to the war or to conscription as vigorous as those openly published in the magazine.

The prosecution adduced two issues of The Masses that were written, printed and distributed before the espionage law was passed, and every extreme statement of opposition to war and to conscription in those issues was diligently and repeatedly read to the jury as of equal import with those published after the law was passed.

Upon such evidence, the bulk of it relating to facts ante-dating the passage of the law under which the defendants were indicted, and none of it proving an intent to obstruct recruiting or enlistment, and none of it even tending to prove a conspiracy, or any kind of a plan or arrangement among the defendants, the government is attempting, by working upon the war-time prejudice and excitement of a jury, to send these American citizens to prison.

\* \* \*

The defense established by uncontradicted testimony the following facts, not only proving that there was no conspiracy and no intent to violate the law, but proving that every effort was made by the de-

fendants to secure a definition of the law, and confine their expressions of opinion to it:

(1) The business manager took one of the issues adduced by the prosecution to George Creel, who was then supposed to be the national censor, in order to make sure that there was nothing unlawful in it. Creel himself testified that he understood this to be the purport of the visit, and that he had said it contained nothing in violation of the law, so far as he knew.

(2) The editors of *The Masses* never held a meeting or any conference to plan out a future issue of *The Masses* during the time described in the indictment. Art Young was in Washington practically the whole time. Max Eastman was absent from the office almost continually. The magazine was made up, as usually in the summer months, by Floyd Dell or his assistant, from the material voluntarily submitted by the contributing editors.

(3) No committee with authority to reject contributions from the contributing editors and owners of the magazine was present during this time, and no such contribution was rejected.

(4) The defendants themselves first brought this case into the courts. In July, exactly when the alleged conspiracy would have been at its height, they went before Judge Learned Hand and asked for an injunction compelling the Post Office to admit their August issue into the mail.

(5) The injunction was granted and although it was stayed by an appeal on the part of the Post Office, it was under the influence of this judicial decision in their favor that the defendants brought out the other two issues cited in the indictment.

(6) After the suppression of the August number *The Masses* Publishing Company wrote to the Post Office Department asking for specific rulings on the things contained in their magazine so that they could make up future magazines in compliance with the Post Master General's interpretation of the law. These requests were frequently repeated, and never answered in any way by the department at Washington.

(7) In September Max Eastman brought the matter to the attention of the President, so confident was

he that his expression of opinions had not violated any law, and he received a cordial letter from the President in reply.

(8) In October Max Eastman, in company with E. W. Scripps, the head of the United Press Association, called upon the Post Master General, to make application for a new mailing privilege, and received from him the promise of a reply within a week. He never received any reply, and from that day to this his letters and telegrams to the Post Office Department at Washington have been absolutely ignored.

These facts, proving that there was no conspiracy and no unlawful intent, were established by the defense without contradiction—in opposition to the prosecution's case in which no evidence of conspiracy or unlawful intent beyond the mere individual publication of opinions was adduced.

\* \* \*

After a trial lasting two weeks, in a room whose windows opened upon a liberty bond booth where patriotic airs were played by a brass band for several hours every day, and in which every device of patriotic argument and emotion was employed, and in which practically everything the defendants had said since and even before the war was declared was admitted, while the defendants made no apology for their opinions, but conceded and re-read all that they had written, the jury, which was kept out two nights and a day and a half, failed to agree on a verdict.

It is the opinion of every impartial person that such a disagreement in times like these, and in the face of a violent newspaper propaganda for conviction, was a victory and vindication of the defendants. Nevertheless the government has moved for an immediate retrial.

\* \* \*

Justice and liberty are on the side of these defendants and we urge you to give them whatever support you can. In defending them we shall be defending a vitally important public principle,—the maintenance of constitutional rights in war-time. The free-press issue is more clearly presented in this case than in any brought into court since the war began. Lawyers for the prosecution as well as lawyers for the defense declare it to be the most important case before the country today.

Issued by the

**MASSES DEFENSE COMMITTEE**

Amos Pinchot, Treasurer

101 Park Avenue, New York

# The Story of the Trial

By Floyd Dell

AT 10:30 o'clock in the morning on April 15 we filed into one of the court-rooms on the third floor of the old Postoffice Building, and took our places about a large table in the front enclosure. Ahead was a table at which sat three smiling men from the district attorney's office; higher up, on a dais, behind a desk, a black-gowned judge, busy with some papers; to the right a jury-box with twelve empty chairs; and behind us, filling the room, a venire of a hundred and fifty men from among whom a jury was presently to be selected.

It was with the oddest feelings that we sat there, waiting. It seemed strange that this court-room, this judge, this corps of prosecutors, those rows of tired men at the back, had any personal relationship to us. It took an effort to realize that we were not there as interested observers, but as the center of these elaborate proceedings.

It was more than strange, it was scarcely credible. Was it possible that anyone seriously believed us to be conspirators? Was it conceivable that the government of the United States was really going to devote its energies, its time and its money to a laborious undertaking, with the object of finding out whether we were enemies of the Republic! It was fantastic, grotesque, in the mood of a dream or of a tragic farce. It was like a scene from "Alice in Wonderland," rewritten by Dostoevsky. But it was true. We did not expect that the judge, frowning as he read over the papers before him, would suddenly look down at us over his spectacles and ask: "What the devil are you doing here? Don't you know that I am a busy man, and that this is no place for silly jokes?"

No. . . . For we knew that war produces a quaint and sinister psychology of fear and hate, of hysterical suspicion, of far-fetched and utterly humorless surmise, a mob-psychology which is almost inevitably directed against minorities, independent thinkers, extreme idealists, candid and truth-telling persons, and all who do not run and shout with the crowd. And we of the Masses, who had created a magazine unique in the history of journalism, a magazine of our own in which we could say what we thought about everything in the world, had all of us in some respect belonged to such a minority. We did not agree with other people about a lot of things. We did not even agree with each other about many things. We were fully agreed only upon one point, that it was a jolly thing to have a magazine in which we could freely express our individual thoughts and feelings in stories and poems and pictures and articles and jokes. And when the war came we were found still saying what we individually thought about everything—including war. No two of us thought quite alike about it. But none of us said exactly what the morning papers were saying. So—

We rose to answer to our names: Max Eastman, Floyd Dell, Merrill Rogers, Art Young, Josephine Bell\*—a poet-philosopher, a journalist, a business manager, an artist, and

a young woman whom none of us had ever seen until the day we went into court to have our bail fixed. And there was another, invisible "person" present, the Masses Publishing Company, charged, like the rest of us, with the crime of conspiring to violate the Espionage Act—conspiring to promote insubordination and mutiny in the military and naval forces of the United States and to obstruct recruiting and enlistment to the injury of the service. We all sat down, and the trial had begun.

Our liberties, to the extent of twenty years, and our hypothetical fortunes to the extent of ten thousand dollars apiece, and beyond all this, we felt—the rights of all American citizens to a free press, and the honor of the United States—were now committed into the care of something entitled the United States District Court, Southern District of New York: something unfamiliar and in part mysterious to us, but with certain discernible elements of which we now began to take stock. On the bench was Judge Augustus N. Hand, a rather slender and slightly grizzled man of reassuringly judicious and patient demeanor, in whom we could observe no indication of any animus, and who showed a genuine interest in the case before him. In charge of the prosecution was Assistant District Attorney Earl B. Barnes, a very thin and angular man with a perpetual sharp smile; it was apparent that he would send us to jail, if he could, in the most good-humored way possible, as a matter of duty and with no personal grudge. He was assisted by two affable young men, Mr. Cobb and Mr. Rothwell. These were the tangible forces arrayed against us. But ranged invisibly on their side were the newspapers with their screaming headlines of Allied defeat, the militant tunes of a Liberty Bond band in the park beneath the windows, and the vast imponderable force of public feeling, stirred by the desire to "do something" and carefully taught by the newspapers to do it to people like us.

On our side were certain constitutional rights, legal precedents and safeguards, and the knowledge of our own innocence—all, except the last, already beginning to seem to us pretty thin and insubstantial to rely on in times like these. But as they faded, two figures, previously thought of more as friends than as defenders—too warmly human in our thoughts and affections to be regarded until this moment as lawyers—emerged as the solid bulwark of our confidence: Morris Hillquit, Socialist candidate for mayor of New York in the last election, and a figure of note in the international Socialist movement; and Dudley Field Malone. Mr. Malone's appearance in this case was as characteristic as his recent resignation of the position of Collector of the Port of New York, as a protest against the refusal of the Democratic party to fulfill its pledge to enfranchise the women of the nation, and against the brutality which the administration permitted to be inflicted on the suffragists at Washington. A man of the most warm-hearted and generous devotion to principle, gifted with passionate and eloquent speech, and with a remarkable power of synthetic argument, he gave these abilities once more, and magnificently, to the

\* John Reed, war-correspondent, and H. J. Glintenkamp, artist, also indicted, were not on trial.

service of an unpopular cause in this trial. Morris Hillquit, cool, unshakable, resourceful, with a tremendous dynamic quality behind the relentless workings of a keenly logical mind, amazingly able to make clear and plain the difficult subtleties equally of law and fact—these were such defenders as we felt would secure for us the utmost consideration that the times could yield.

The jury box filled up, and under the questioning of defense and prosecution was sifted out again and again. A federal jury panel appears to consist chiefly of real estate agents, retired capitalists, and bankers, with a sprinkling of managers, foremen and salesmen—never a wage-worker. It is composed almost entirely of very old men, with only here and there a member of one's own generation. It frankly admits an extreme prejudice against Socialists, pacifists and conscientious objectors, though it frequently asserts cheerfully that such prejudices will not stand in the way of an impartial consideration of the evidence. . . . The selection of a jury occupied nearly the whole of two days, and of the twelve men finally accepted by both sides, nearly all admitted a prejudice to begin with. It was necessary to rely upon some fundamental sense of justice which we could only hope they possessed.

But, after all, we hoped to spare those twelve men the trouble of hearing the case. We hoped so, because we had reason to believe that there was no case to hear—in a very precise legal sense, no case whatever. On the ground that the indictment did not contain averments of fact sufficient to constitute a crime under any laws of the United States, Mr. Hillquit moved that the indictment be quashed.

After argument, Judge Hand sustained the motion so far as the first count of the indictment was concerned, the one in which it was charged that we had conspired to effect insubordination or mutiny in the armed and naval forces of the United States. He denied the motion as to the second count, by which we were charged with conspiring to obstruct enlistment or recruiting. The case thereupon went to the jury.

The indictment had in fact, in the second count as well as in the first, charged us with publishing and selling a magazine, to wit, the *Masses*; specifically, the August, September and October issues thereof. No facts were alleged which would, if true, prove that this publication was the result of any agreement between the defendants made with the object of violating the law. It was, however, presumed that the prosecution had some such facts to introduce as evidence. This Mr. Barnes promised, in his opening speech to the jury, would be done. And thereupon the prosecution presented its case.

### The Case Against The Masses

Eleven witnesses were put on the stand. (1) A clerk from the county clerk's office produced a certificate of incorporation showing that there was in fact such a corporation as the *Masses Publishing Company*. (2) A printer testified that the August, September and October issues of the magazine had actually been printed. (3) Dorothy Day, formerly assistant managing editor of the magazine, testified that certain articles and pictures had to the best of her knowledge actually been written and drawn by the persons whose names were signed to them. Excerpts from these issues were read, and pictures were shown to the jury. Some of these articles and pictures expressed disapproval of war in itself, and others

criticized certain government policies. One of the excerpts was a paragraph in which the hope of a fair trial was bespoke for Emma Goldman and Alexander Berkman, who had just been arrested; and another was a poem by Miss Josephine Bell which contained the statement: "Emma Goldman and Alexander Berkman are in prison." (4) A government official testified to the fact that Emma Goldman and Alexander Berkman actually had been arrested and taken to prison. (5) A salesman testified that during the previous summer he had tried to sell Merrill Rogers something or other, and failed to do so, and that then the said Merrill Rogers had made a remark about the government's military and naval program which he interpreted as disloyal; though upon cross-examination it appeared from the context that this remark, if made, might have had a different and quite harmless meaning. (6) Another printer testified as to the number of magazines printed. (7) A bookbinder testified that he had delivered copies of the magazine to the Postoffice. Copies of the magazine *published before the passage of the Espionage Law* were then introduced as evidence, over the protest of the attorneys for the defense, and passages expressing disapproval of the system of conscription then being proposed, were read to the jury, together with other passages advocating the rights of conscientious objectors. (8) A government clerk testified to the fact that, subsequently to the remarks in the magazine about the prospective trial of Emma Goldman and Alexander Berkman, they were indeed tried and not only tried but convicted. (9) A stenographer in the employ of the magazine, identified certain letters which had been dictated to her; these letters being exclusively concerned with sales of the magazine to newsdealers and subscribers. (10) A clerk in the employ of the magazine testified that when subscriptions were received the names of subscribers were put on the list, and that orders for particular issues of the magazine were turned over to the office-boy. (11) The office-boy testified that when he was given an order for a particular issue of the magazine, he thereupon filled the order, if the said issue of the magazine was in stock.

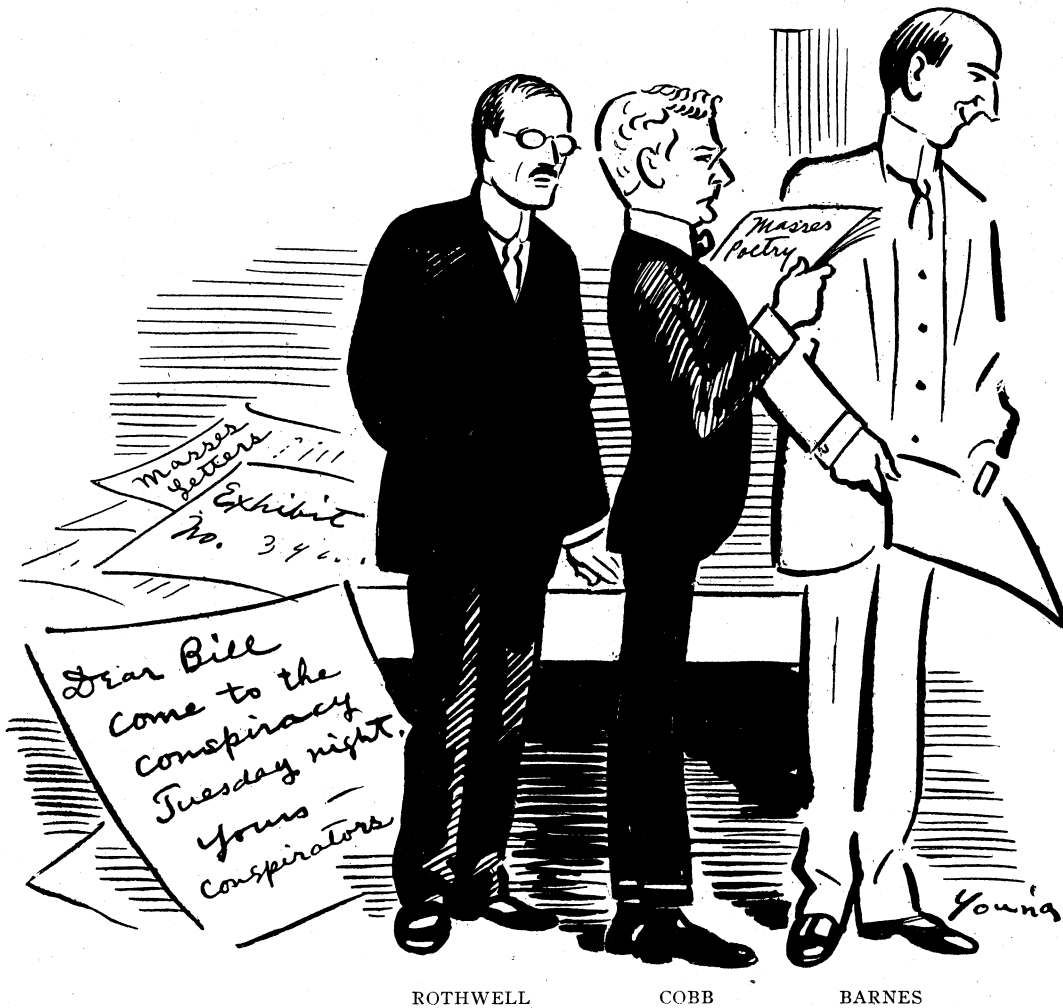
Then the prosecution, having offered evidence to show that the *Masses* magazine was actually written, edited, printed and mailed, and that Emma Goldman and Alexander Berkman had been arrested and subsequently tried and convicted, rested its case.

Mr. Hillquit then moved to dismiss the indictment against all the defendants, and that the jury be directed to bring in a verdict of not guilty, on the ground that no proof had been adduced of any conspiracy between the defendants.

The judge denied the motion, except as to the defendant Josephine Bell—whose alleged co-conspiratorial relation to people she had never seen perhaps seemed humorous to the judge—and she was thereupon dismissed. It was pointed out that no evidence had been offered to show that the other defendants had met, agreed upon anything, or had any relation to each other aside from being owners of a magazine in which their work was published. The judge said that he thought that the fact of the defendants being associated with the same magazine constituted "prima facie evidence" of conspiracy. Whether or not it was conclusive evidence, he would permit the jury to determine. And he so ruled.

Mr. Hillquit and Mr. Malone then addressed the jury, opening the case on behalf of the defendants. They pointed out





ROTHWELL

COBB

BARNES

## The Prosecutors

that the acts described in the indictment as "overt acts," namely the publishing of the August, September and October issues of the magazine, were openly admitted by the defendants, but that no evidence had been adduced to show that there was any agreement of any kind to publish the particular articles and cartoons in question, and that there was no evidence to show that these articles and cartoons were intended to cause obstruction of recruiting or enlistment. They promised to show by the testimony of the defendants and others that the articles and pictures in question were not planned or agreed upon in advance by any meeting or conference of editors, and that no such conference was held, but that each editor sent in what he wished without previous arrangement with any other editor, and it was printed. They promised to show, moreover, by the testimony of the defendants, that their intentions in writing and drawing the articles and pictures for which they were individually responsible were legitimate and proper, constituting in every case a lawful exercise of the right of free expression of opinion.

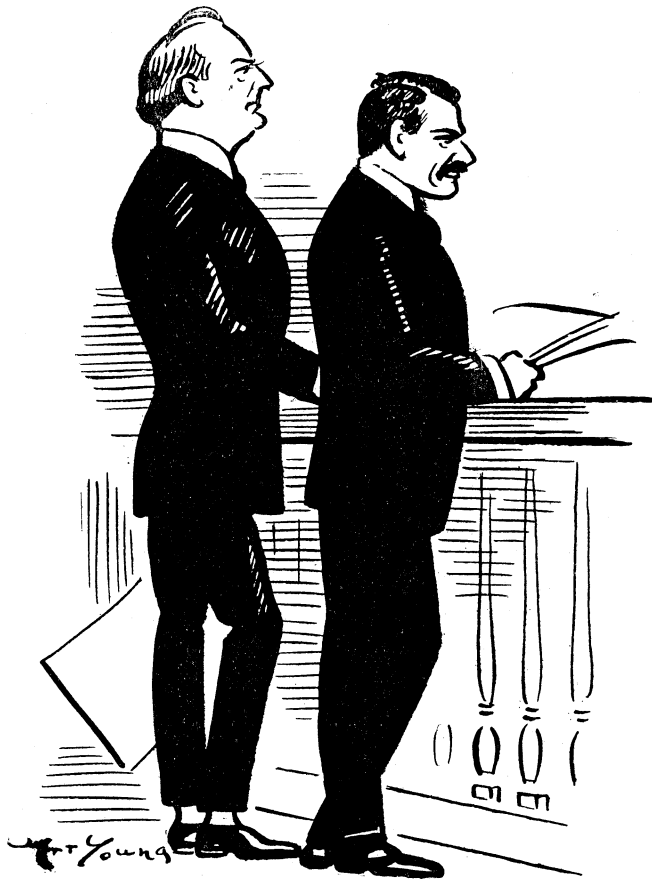
### Max Eastman on the Stand

The first witness for the defense was Max Eastman, editor of the *Masses*. He explained the origin and character of the magazine, as the product of a group of artists and writers with different ideas, who wished to own their own magazine and write and draw and publish in it whatever they pleased; the only policy of the magazine being complete freedom of expression for its editors. He read the articles written by himself which were specified in the indictment, and explained his attitude toward the war and American foreign policy. He showed that the editorials for which he was indicted, urged (a) that our government state its war-aims in conformity with the Russian policy of "no annexations, no indemnities, and self-determination for all peoples"; and (b) that proper provision be made for genuine conscientious objectors. He pointed out that both the things he had urged were subsequently done by the President, in his reply to the Pope, in

his recent messages to Congress, and in his recent order concerning conscientious objectors.

Max Eastman's testimony, which lasted for the greater part of three days, covered a wide range of political and social thought, and made decisive the impression that in its essential aspect the Masses case is a struggle over the right of free speech and a free press in America. He told of interviews with the postal authorities, and with the President, and of the Masses' injunction suit against the Postoffice Department, all undertaken with an intention of determining the rights of minority opinion to free expression within the law in time of war.

It was brought out as not the least ironic aspect of the trial that it involves an attempt to punish men who are now in accord with certain government policies, because they were a part of that intelligent minority whose vigorous agitation was instrumental in securing the adoption of such policies. And we wondered . . . we wondered if those in power who are desirous of securing "national unity" suppose that it is a good thing, now that such unity can honestly be achieved, to permit the reopening of an old quarrel, permit the loyalty of good citizens who were aligned against them on the vanished issues of a year ago to be now suspected and insulted?



*Malone. Hillquit.*

The Defenders

Max Eastman said what was in all our hearts when, during the course of an utterly candid statement of those year-old views in cross-examination, he was questioned about an article in which he had expressed a distaste for the "ritual of patriotism." Our minds went back across the gulf of months to the time when the American flag and the national anthem were being used for personal and partisan purposes by reactionaries, jingoes, militarists and hysterics, and most offensively of all perhaps by Mayor Mitchel in his ill-advised attempt to convince the people of New York City that it would be treason to vote for anybody but himself for mayor . . . Mr. Barnes' question cut across our thoughts. "Will you tell us," he was asking, "if the sentiments therein expressed, which I have just read to you, are your sentiments today?"

A. "No, they are not, Mr. Barnes. My sentiments have changed a good deal. I think that when the boys begin to go over to Europe, and fight to the strains of that anthem, you feel very different about it. You noticed when it was played out there in the street the other day, I did stand up. Will you let me tell you exactly how I felt?"

Q. "Go ahead."

A. "I felt very sad; I felt very solemn, very sorrowful, because I thought of those boys over there dying by the thousands, perhaps destined to die by millions, with courage and even laughter on their lips, because they are dying for liberty. And I thought how terrible a thing it is that while they are dying over there, while the country is gradually coming to a feeling of the solemnity and seriousness of that thing, the Department of Justice should be compelling men of your distinguished ability, and others like you, all over the country, to waste their time, persecuting upright American citizens, when they might be hunting up the spies of the enemy, and the profiteers and friends of Prussianism in this country, and prosecuting them. That was my thought while the hymn was being played."

Merrill Rogers was the next witness. He testified to his duties as business manager of the magazine, and identified letters and circulars written by himself with the object of increasing the sale of the magazine, and other letters expressing opinions unfavorable to conscription, written before the passage of the Espionage Act. He absolutely denied ever making any such remark as that attributed to him by the disappointed salesman. And he told of having gone to Washington, long before the passage of the Espionage Act, to consult George Creel, the "Censor," as to the legality of a certain advertisement in an issue then in press. Mr. Creel, he said, had informed him that there was nothing unlawful in the advertisement, nor, so far as he had examined it, in the magazine.

#### Why Is An Artist—By Art Young

Art Young was then put on the stand. Art had been busy throughout the trial drawing pictures of the judge, the jury, the lawyers, the witnesses, the court attendants. He was quite happy so long as he had a pencil in his hand, and he had probably forgotten that he was on trial for something resembling treason, and facing the possibility of twenty years in prison. He radiated an ineffable good-nature which made it impossible to regard him as anything so malignant as a

conspirator. He testified as to how the magazine was run, and in a somewhat bewildered way as to his "intent" in drawing the cartoons for which he had been indicted. He thought their meaning was perfectly clear. They spoke for themselves, he said. "What did you intend to do when you drew this picture, Mr. Young?" Intend to do? Why, to draw a picture—to make people laugh—to make them think—to express his feelings. For what purpose? For the public good. How did he think they would effect such a purpose? Art scratched his head. He did not think it was fair to ask an artist to go into metaphysics. Had he intended to obstruct recruiting or enlistment by such pictures? No, he hadn't been thinking of recruiting or enlistment at all! He couldn't see what possible connection those pictures had with obstruction of recruiting or enlistment. He mentioned a little picture of Mr. Barnes which the jury had seen; and he suggested that maybe someone would think that he had drawn that picture to discourage Mr. Barnes from enlisting!

The ordeal over, Art Young went back to his seat, and fell into an exhausted slumber. Dudley Field Malone whispered hastily to one of the other defendants, "For heaven's sake, wake Art Young up, and give him a pencil! Tell him to try to stay awake until he gets to jail!" So Art, refreshed by his nap, drew a picture of himself snoring in the court-room.

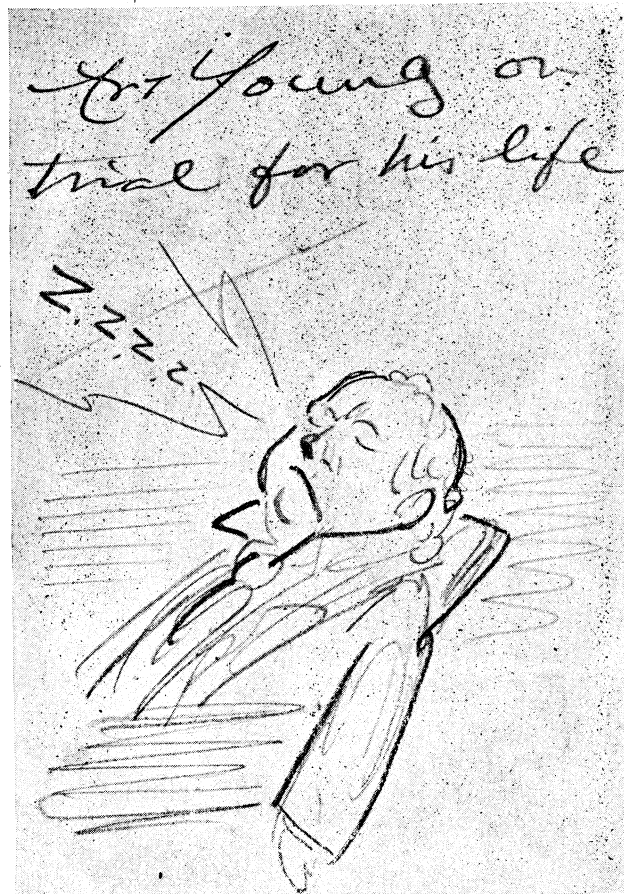
Now, we just ask you, where is the satisfaction in trying to convict a man who behaves like that—a man who sleeps like a babe in the court-room where he is waiting to learn whether or not he is guilty, and if he will have to spend the rest of his life in prison!

### How It Felt to Be a Witness

"Floyd Dell will take the stand." I did. And, since I am engaged in telling how it feels to be tried, I may as well confess that I took it with pleasure. I had always secretly felt that my opinions were of a certain importance. It appeared that the government agreed with me. And a government does not do things by halves: it had provided a spacious room, and a special and carefully selected audience of twelve men, who were under sworn obligation to sit and listen to me. Under such circumstances it was naturally a pleasure to tell the government what I thought about war, militarism, conscientious objectors and other related subjects.

Moreover, I found in cross-examination the distinct amusement of a primitive sort of game of wits. Mr. Barnes, under the guise of repeating some statement you have made, asks you to agree to some statement of his own, in which, hidden away as carefully as may be, is a verbal trap which he intends to spring on you. "I understand you to say—." Of course Mr. Barnes does not understand you to say anything of the sort. But he certainly does hope that you will assent to his interpretation. Only, if you have an ear for words and a ready sense of their exact meaning, you politely decline to assent. "No, Mr. Barnes—" and you repeat what you actually did say.

The method of conducting a discussion in a court-room is faintly suggestive of a Socratic dialogue. And, though your questioner stands thirty feet away, and you are adjured to "speak up so the jury can hear," you lose all sense of any presence except that of your friendly or inimical interlocutor. You are surprised when, at some interruption from outside that magic circle of question and answer, you discover yourself in a court-room full of people. It is a strange, stimu-



Drawn by Art Young

lating and—or so at least I found it—an agreeable experience.

Mr. Barnes had read the previous day from a mysterious document which he refused to introduce in evidence, but which appeared to refer to the proceedings of a meeting of editors of the magazine away back in 1916. It was in fact a translation of some stenographic notes of that meeting, which were now produced, and verified by the stenographer. These notes recorded the heated language used on the occasion of the annual "row" between two factions among the editors over artistic questions. They were used by Mr. Barnes in an attempt to prove—heaven knows exactly what, probably that the alleged conspiracy had been initiated on that date. To substantiate his vague theory, he called to the stand Dolly Sloan, the wife of John Sloan, who had figured prominently in that epic and almost forgotten battle of long-ago. Her pungent testimony, however, confirmed absolutely the explanations previously made by the defense, and knocked Mr. Barnes' romantic surmises into a cocked hat.

Three more witnesses concluded the defendants' case. Inez Haynes Irwin, a former contributing editor of the Masses, Howard Brubaker of *Collier's Weekly*, a contributing editor of the Masses, and Louis Untermeyer, a contributing editor, testified to their diverse views with regard to the war, and their continual relationship to the magazine.

Then, on Thursday of the second week, the ninth day of

conspirator. He testified as to how the magazine was run, and in a somewhat bewildered way as to his "intent" in drawing the cartoons for which he had been indicted. He thought their meaning was perfectly clear. They spoke for themselves, he said. "What did you intend to do when you drew this picture, Mr. Young?" Intend to do? Why, to draw a picture—to make people laugh—to make them think—to express his feelings. For what purpose? For the public good. How did he think they would effect such a purpose? Art scratched his head. He did not think it was fair to ask an artist to go into metaphysics. Had he intended to obstruct recruiting or enlistment by such pictures? No, he hadn't been thinking of recruiting or enlistment at all! He couldn't see what possible connection those pictures had with obstruction of recruiting or enlistment. He mentioned a little picture of Mr. Barnes which the jury had seen; and he suggested that maybe someone would think that he had drawn that picture to discourage Mr. Barnes from enlisting!

The ordeal over, Art Young went back to his seat, and fell into an exhausted slumber. Dudley Field Malone whispered hastily to one of the other defendants, "For heaven's sake, wake Art Young up, and give him a pencil! Tell him to try to stay awake until he gets to jail!" So Art, refreshed by his nap, drew a picture of himself snoring in the court-room.

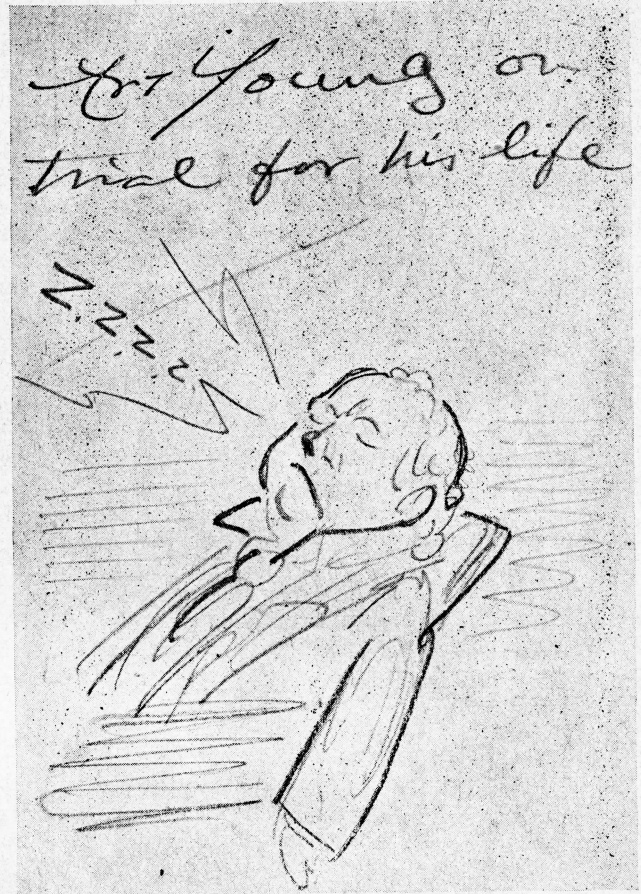
Now, we just ask you, where is the satisfaction in trying to convict a man who behaves like that—a man who sleeps like a babe in the court-room where he is waiting to learn whether or not he is guilty, and if he will have to spend the rest of his life in prison!

### How It Felt to Be a Witness

"Floyd Dell will take the stand." I did. And, since I am engaged in telling how it feels to be tried, I may as well confess that I took it with pleasure. I had always secretly felt that my opinions were of a certain importance. It appeared that the government agreed with me. And a government does not do things by halves: it had provided a spacious room, and a special and carefully selected audience of twelve men, who were under sworn obligation to sit and listen to me. Under such circumstances it was naturally a pleasure to tell the government what I thought about war, militarism, conscientious objectors and other related subjects.

Moreover, I found in cross-examination the distinct amusement of a primitive sort of game of wits. Mr. Barnes, under the guise of repeating some statement you have made, asks you to agree to some statement of his own, in which, hidden away as carefully as may be, is a verbal trap which he intends to spring on you. "I understand you to say—." Of course Mr. Barnes does not understand you to say anything of the sort. But he certainly does hope that you will assent to his interpretation. Only, if you have an ear for words and a ready sense of their exact meaning, you politely decline to assent. "No, Mr. Barnes—" and you repeat what you actually did say.

The method of conducting a discussion in a court-room is faintly suggestive of a Socratic dialogue. And, though your questioner stands thirty feet away, and you are adjured to "speak up so the jury can hear," you lose all sense of any presence except that of your friendly or inimical interlocutor. You are surprised when, at some interruption from outside that magic circle of question and answer, you discover yourself in a court-room full of people. It is a strange, stimu-



Drawn by Art Young

lating and—or so at least I found it—an agreeable experience.

Mr. Barnes had read the previous day from a mysterious document which he refused to introduce in evidence, but which appeared to refer to the proceedings of a meeting of editors of the magazine away back in 1916. It was in fact a translation of some stenographic notes of that meeting, which were now produced, and verified by the stenographer. These notes recorded the heated language used on the occasion of the annual "row" between two factions among the editors over artistic questions. They were used by Mr. Barnes in an attempt to prove—heaven knows exactly what, probably that the alleged conspiracy had been initiated on that date. To substantiate his vague theory, he called to the stand Dolly Sloan, the wife of John Sloan, who had figured prominently in that epic and almost forgotten battle of long-ago. Her pungent testimony, however, confirmed absolutely the explanations previously made by the defense, and knocked Mr. Barnes' romantic surmises into a cocked hat.

Three more witnesses concluded the defendants' case. Inez Haynes Irwin, a former contributing editor of the Masses, Howard Brubaker of *Collier's Weekly*, a contributing editor of the Masses, and Louis Untermeyer, a contributing editor, testified to their diverse views with regard to the war, and their continual relationship to the magazine.

Then, on Thursday of the second week, the ninth day of

the trial, the attorneys for the defense summed up the case to the jury. The evidence was all in, every act, every word, every letter of the defendants had been scrutinized, the whole history of their magazine and the course of their individual opinions on almost every conceivable political topic had been set forth. They had published a radical magazine in which unpopular views were expressed. So much was proved. The question was, did the defendants conspire to violate the Espionage Law, or were they merely exercising their lawful right to the free expression of opinion? The jury must presently decide.

### Speech of Dudley Field Malone

"This," said Mr. Malone, "is a case of large issues—issues which go to the very source and purpose of our Government. And so I would like to read to you very briefly a historic statement of these issues—for these things have been spoken with classic utterance, and doubtless you would rather hear them from the original sources than from me—in order that you may have in your minds certain fundamental considerations in reaching a verdict and a judgment in this case.

"In 1792, Thomas Erskine defended one of the signers of our Declaration of Independence for printing a book—the 'Rights of Man.' Thomas Paine had written that book, and it was being defended, and at that time Erskine laid down certain fundamental propositions from which flow the liberties of the press in all English-speaking countries.

"Erskine said: 'Every man not intending to mislead and confound, but seeking to enlighten others with what his own reason and conscience, however erroneously, may dictate to him as truth, may address himself to the universal reason of a whole nation.'



The Door-keeper

Drawn by Art Young

"And that is the basis, gentlemen, that is the crux thought, underlying the freedom of the press. If anyone in this country has the power to say by autocratic power that a certain thought, because he disagrees with it, shall be taken out of the public discussion, there will no longer be a free expression of opinion.

"Erskine said further, speaking of Paine—and he disagreed entirely with the opinions of his client, he did not agree with Paine's views at all—'His opinions indeed were adverse to our system, but I maintain that opinion is free and that conduct alone is amenable to the law.'

"I hope you will take that as the crux idea in this case in formulating your judgment—that opinion in a democracy like ours, must be free—freely spoken, freely written. Only conduct is amenable to law.

"'When men,' said Erskine, 'can freely communicate their thoughts and sufferings, real or imaginary, their passions spend themselves in air like gunpowder scattered upon the surface; but pent up by terrors they work unseen like subterranean fire, and burst forth in earthquake and destroy everything in their course. Let reason be opposed to reason, and argument to argument, and every good Government will be safe.'

"And, gentlemen, this is not only the opinion of Erskine. It is the opinion of one of our contemporaries. It is the opinion of a man whom I consider and have considered for the past eight years the greatest statesman this republic has yet produced—in his vision of international affairs, in his conception of democracy, and in his desire that America should take a permanent place among the nations for a democratic and permanent peace—and that is our President. And what does our President say on the subject of agitation? In his famous book on constitutional government, he has a sentence which is very illuminating: 'We are so accustomed to agitation, to absolutely free outspoken argument for change, to an unrestricted criticism of men and measures carried almost to the point of license, that to us it seems a normal, harmless part of the familiar processes of popular government. We have learned that it is pent-up feelings that are dangerous, whispered purposes that are revolutionary, covert sallies that warp and poison the mind; that the wisest thing to do with a fool is to encourage him to hire a hall and discourse to his fellow citizens. Nothing shows nonsense like exposure to the air; nothing dispels folly like its publication; nothing so eases the machine as the safety valve.'

"And that is the thought I want to give you in the very beginning, that even if these defendants spoke folly, that even if they spoke nonsense, they had a right to the expression of their opinion, as long as they did no single act—as they never had the intention to commit an act—which would be a violation of the law.

"We are charged here with conspiracy. If each one of these defendants here today whose testimony you have heard, himself was guilty of an individual violation of the law, but if they never met together, never thought together, never concerted together, never conspired together, then there is no conspiracy.

"Where is the conspiracy in this case? I feel I have had some experience with the United States Government, in its service. After a year as Assistant Secretary of State in Washington, and four years as Collector of the Port of New York, with all the anxieties over the care and protection of

the trial, the attorneys for the defense summed up the case to the jury. The evidence was all in, every act, every word, every letter of the defendants had been scrutinized, the whole history of their magazine and the course of their individual opinions on almost every conceivable political topic had been set forth. They had published a radical magazine in which unpopular views were expressed. So much was proved. The question was, did the defendants conspire to violate the Espionage Law, or were they merely exercising their lawful right to the free expression of opinion? The jury must presently decide.

### Speech of Dudley Field Malone

"This," said Mr. Malone, "is a case of large issues—issues which go to the very source and purpose of our Government. And so I would like to read to you very briefly a historic statement of these issues—for these things have been spoken with classic utterance, and doubtless you would rather hear them from the original sources than from me—in order that you may have in your minds certain fundamental considerations in reaching a verdict and a judgment in this case.

"In 1792, Thomas Erskine defended one of the signers of our Declaration of Independence for printing a book—the 'Rights of Man.' Thomas Paine had written that book, and it was being defended, and at that time Erskine laid down certain fundamental propositions from which flow the liberties of the press in all English-speaking countries.

"Erskine said: 'Every man not intending to mislead and confound, but seeking to enlighten others with what his own reason and conscience, however erroneously, may dictate to him as truth, may address himself to the universal reason of a whole nation.'



The Door-keeper

Drawn by Art Young

"And that is the basis, gentlemen, that is the crux thought, underlying the freedom of the press. If anyone in this country has the power to say by autocratic power that a certain thought, because he disagrees with it, shall be taken out of the public discussion, there will no longer be a free expression of opinion.

"Erskine said further, speaking of Paine—and he disagreed entirely with the opinions of his client, he did not agree with Paine's views at all—'His opinions indeed were adverse to our system, but I maintain that opinion is free and that conduct alone is amenable to the law.'

"I hope you will take that as the crux idea in this case in formulating your judgment—that opinion in a democracy like ours, must be free—freely spoken, freely written. Only conduct is amenable to law.

"'When men,' said Erskine, 'can freely communicate their thoughts and sufferings, real or imaginary, their passions spend themselves in air like gunpowder scattered upon the surface; but pent up by terrors they work unseen like subterranean fire, and burst forth in earthquake and destroy everything in their course. Let reason be opposed to reason, and argument to argument, and every good Government will be safe.'

"And, gentlemen, this is not only the opinion of Erskine. It is the opinion of one of our contemporaries. It is the opinion of a man whom I consider and have considered for the past eight years the greatest statesman this republic has yet produced—in his vision of international affairs, in his conception of democracy, and in his desire that America should take a permanent place among the nations for a democratic and permanent peace—and that is our President. And what does our President say on the subject of agitation? In his famous book on constitutional government, he has a sentence which is very illuminating: 'We are so accustomed to agitation, to absolutely free outspoken argument for change, to an unrestricted criticism of men and measures carried almost to the point of license, that to us it seems a normal, harmless part of the familiar processes of popular government. We have learned that it is pent-up feelings that are dangerous, whispered purposes that are revolutionary, covert sallies that warp and poison the mind; that the wisest thing to do with a fool is to encourage him to hire a hall and discourse to his fellow citizens. Nothing shows nonsense like exposure to the air; nothing dispels folly like its publication; nothing so eases the machine as the safety valve.'

"And that is the thought I want to give you in the very beginning, that even if these defendants spoke folly, that even if they spoke nonsense, they had a right to the expression of their opinion, as long as they did no single act—as they never had the intention to commit an act—which would be a violation of the law.

"We are charged here with conspiracy. If each one of these defendants here today whose testimony you have heard, himself was guilty of an individual violation of the law, but if they never met together, never thought together, never concerted together, never conspired together, then there is no conspiracy.

"Where is the conspiracy in this case? I feel I have had some experience with the United States Government, in its service. After a year as Assistant Secretary of State in Washington, and four years as Collector of the Port of New York, with all the anxieties over the care and protection of

those thirty-one German and Austrian ships, hunting *real* spies, real German propagandists—not American citizens with patriotic motives seeking to form a constructive program—I feel I know something about the power of the Government of the United States.

“The Government of the United States has over one hundred and fifty thousand detectives under the Department of Justice, under the Treasury Department, and in the Intelligence Office of the Army and Navy. All this power—all this force of investigation has been at the disposal of the prosecution—the Government. And, in addition to all that, the prosecution has ransacked the files of the defendants.

“This has been the opportunity the Government has had to prove its case. And where has it proved a conspiracy? Where is there a single letter written from one defendant here to another, on the subject of this conspiracy? Where is there proof that they had a single conversation? Where is there proof that they ever matched their minds on the subject?

“Did these men ever intend to advise violation of any law of our Government? You saw them on the stand. You heard them. Can you imagine Art Young, good-natured old Art Young, looking like nothing so much as a comfortable Newfoundland dog, conspiring to overthrow the republic? Why, gentlemen, it is not reasonable. Art Young, forty years in public life, known to public men of political parties, a pacifist because he loves mankind and knows that war is a hellish proposition, but a man who never had a disloyal thought in his life.

“Art Young hates war. Yes. But is it possible for you to go back in your memory to the days in which this war began? Is it possible for you gentlemen to put yourselves in the frame of mind in which people generally were when war was declared? Why, in the last campaign the great issue—the great issue upon which President Wilson was elected President of the United States, was that he kept us out of war. That was the great issue. I know it was the great issue, because I went from New York to California twice on that issue, and I know that the West was carried on that issue, and I know that the West carried the election and he won by two million votes. In those days we all hated war.

“And yet, gentlemen, I am no pacifist. A man of my blood and origin seldom is. But I have never felt that pacifists were criminal. I have never felt that pacifists do not have a right to speak their desire, to speak their hope, to speak their thought that we might maintain the country at peace, or that the world might stop this horrible madness of settling disputes by bloodshed.

“The intent is the thing. And what did they do to show their intent? Did they, or did they not, show any desire to keep within the law? First of all, taking events in chronological order, a business manager, a young man—a Harvard graduate—what did he do? When his attention was called to the fact that an advertisement in the magazine might be unlawful, he went—to whom? To the only man in the Government anybody had any idea had anything to do with it. He went to the head of the Censorship Bureau. He went to George Creel.

“Now what difference of opinion was there between Rogers and Creel, if you want to reach the truth of this? Rogers said he went to see him to get his opinion as to whether the advertisement in the magazine was lawful. Creel



FLOYD DELL  
A Sketch by Boardman Robinson

said that is what he came for, said that is what Rogers told him he came for. Creel says he did not pass upon the advertisement because he had no right to do so, but that he told Rogers there was no law covering such matters. He glanced through the magazine; he did not agree with some expressions concerning the war, but, as he told Mr. Hillquit, he saw nothing in it that was against any existing law. He told Rogers that it was a matter for the Postoffice Department.

“Rogers came to the Government for advice. If these defendants were conspiring, gentlemen, to violate the law, would one of them go to Washington, to the head of the Censorship Bureau, to ask his opinion whether they were violating a law?

“And what was the next thing they did? Gilbert Roe, Mr. Eastman’s attorney, called his attention to a passage in the June number, which had been published before the passage of the Espionage Act, and advised him that it might be construed as a violation of that law. And what did Eastman do? His testimony is uncontradicted by the Government, and it is supported by Rogers. He told Rogers to get all the copies of the June edition that were on hand, and gather them together so that there would be no further distribution of them. And Rogers, to make sure they would not get into circulation, took them up to his own home and locked them up. Was that an attempt to conspire? Or was that an attempt to keep within the law as soon as they had half an idea of what the law was? That is the second point in their attempt to conform to the laws of the Government.

“And then in regard to this circular that Rogers drew up. In that circular he reprinted an article by Max Eastman from the June issue, and sent it out to 40,000 people; but he cut out the paragraph referred to above, because he had heard that there was some possibility of its being construed as a

those thirty-one German and Austrian ships, hunting *real* spies, real German propagandists—not American citizens with patriotic motives seeking to form a constructive program—I feel I know something about the power of the Government of the United States.

“The Government of the United States has over one hundred and fifty thousand detectives under the Department of Justice, under the Treasury Department, and in the Intelligence Office of the Army and Navy. All this power—all this force of investigation has been at the disposal of the prosecution—the Government. And, in addition to all that, the prosecution has ransacked the files of the defendants.

“This has been the opportunity the Government has had to prove its case. And where has it proved a conspiracy? Where is there a single letter written from one defendant here to another, on the subject of this conspiracy? Where is there proof that they had a single conversation? Where is there proof that they ever matched their minds on the subject?

“Did these men ever intend to advise violation of any law of our Government? You saw them on the stand. You heard them. Can you imagine Art Young, good-natured old Art Young, looking like nothing so much as a comfortable Newfoundland dog, conspiring to overthrow the republic? Why, gentlemen, it is not reasonable. Art Young, forty years in public life, known to public men of political parties, a pacifist because he loves mankind and knows that war is a hellish proposition, but a man who never had a disloyal thought in his life.

“Art Young hates war. Yes. But is it possible for you to go back in your memory to the days in which this war began? Is it possible for you gentlemen to put yourselves in the frame of mind in which people generally were when war was declared? Why, in the last campaign the great issue—the great issue upon which President Wilson was elected President of the United States, was that he kept us out of war. That was the great issue. I know it was the great issue, because I went from New York to California twice on that issue, and I know that the West was carried on that issue, and I know that the West carried the election and he won by two million votes. In those days we all hated war.

“And yet, gentlemen, I am no pacifist. A man of my blood and origin seldom is. But I have never felt that pacifists were criminal. I have never felt that pacifists do not have a right to speak their desire, to speak their hope, to speak their thought that we might maintain the country at peace, or that the world might stop this horrible madness of settling disputes by bloodshed.

“The intent is the thing. And what did they do to show their intent? Did they, or did they not, show any desire to keep within the law? First of all, taking events in chronological order, a business manager, a young man—a Harvard graduate—what did he do? When his attention was called to the fact that an advertisement in the magazine might be unlawful, he went—to whom? To the only man in the Government anybody had any idea had anything to do with it. He went to the head of the Censorship Bureau. He went to George Creel.

“Now what difference of opinion was there between Rogers and Creel, if you want to reach the truth of this? Rogers said he went to see him to get his opinion as to whether the advertisement in the magazine was lawful. Creel



FLOYD DELL  
A Sketch by Boardman Robinson

said that is what he came for, said that is what Rogers told him he came for. Creel says he did not pass upon the advertisement because he had no right to do so, but that he told Rogers there was no law covering such matters. He glanced through the magazine; he did not agree with some expressions concerning the war, but, as he told Mr. Hillquit, he saw nothing in it that was against any existing law. He told Rogers that it was a matter for the Postoffice Department.

“Rogers came to the Government for advice. If these defendants were conspiring, gentlemen, to violate the law, would one of them go to Washington, to the head of the Censorship Bureau, to ask his opinion whether they were violating a law?

“And what was the next thing they did? Gilbert Roe, Mr. Eastman’s attorney, called his attention to a passage in the June number, which had been published before the passage of the Espionage Act, and advised him that it might be construed as a violation of that law. And what did Eastman do? His testimony is uncontradicted by the Government, and it is supported by Rogers. He told Rogers to get all the copies of the June edition that were on hand, and gather them together so that there would be no further distribution of them. And Rogers, to make sure they would not get into circulation, took them up to his own home and locked them up. Was that an attempt to conspire? Or was that an attempt to keep within the law as soon as they had half an idea of what the law was? That is the second point in their attempt to conform to the laws of the Government.

“And then in regard to this circular that Rogers drew up. In that circular he reprinted an article by Max Eastman from the June issue, and sent it out to 40,000 people; but he cut out the paragraph referred to above, because he had heard that there was some possibility of its being construed as a



violation of the law. If he were trying to conspire to oppose the law, would not he have left that paragraph in? Would he have taken it out?

"And what was the next thing that these men did? In July, Max Eastman began to communicate with the Postmaster General—for what? To find out from Mr. Burleson how they could write their magazine so that it would come within the provisions of the regulations of the Postoffice Department and the law. If you were conspiring to do something, would you be showing a Government officer what was in your magazine? Would you go to the Postmaster General, a member of the Cabinet, and show him the magazine, if you were conspiring in the magazine, or if you thought you were? Their intent was to conform to the law to the best of their ability.

"What was the fifth thing they did? When the magazine was suppressed, they went to court. They went to court to sustain their rights, because they believed they had not violated the law. And Judge Learned Hand, another judge of this court, handed down a decision in which he held that these defendants were entirely within their rights and that the Postmaster had exceeded his rights in suppressing the magazine.

"If they had been conspiring, would they have brought such proceedings?

"What was the next thing done? Mr. Eastman wrote to the President of the United States. He brought the Masses to the attention of the President.

"Why, gentlemen, if he had been conspiring, would these men have gone to the President, to Creel and to Burleson, and into court?

"I don't believe there ever was a case in which by the actions of the defendants themselves they showed so definitely their intention to violate no law.

"Don't we want thinkers in the country? Don't we want them to think clearly? The President says we do. The President says it is most important in a constitutional government that we should have clear thinking. He says, 'The vigilance of intelligently directed opinion is indeed the very soil of liberty, and of all the enlightened institutions meant to sustain it. And that will always be the freest country in which enlightened opinion abounds, in which to plant the practices of government. It is the quintessence of a constitutional system that its people should think straight, maintain a consistent purpose, look before and after, and make their lives the image of their thoughts.'

"Men of all parties and all creeds in this country have a right to express their opinion during the war, as well as before the war. Why? Because if we are to have a permanent peace, it must be a just peace. There must be no annexations. There must be no indemnities. Every people must be free to determine their own form of government.

"And men in this country, like Max Eastman, and myself, openly spoke and urged the President to state our war aims, the terms on which we would make peace. We did it with no disrespect. We may have done it in a militant fashion, but we did it because we felt that America, the leader of democratic idealism in the world, ought frankly to state her terms of peace, her war aims, since we had nothing to hide.

"And months afterwards, the President announced these war aims and these peace terms, in a document which has fixed the performance of the Allies. Is a man to be charged

with crime for thinking things which the President said six months after?

"Can it be that even in war days, when we are trying to unify our nation, when we are trying to gather together every element of our people behind the government, that we are going to hold guilty of conspiracy on evidence of this kind, American citizens of this stamp? Are we going to shackle the creative thought of the nation?"

### Morris Hillquit's Speech

Morris Hillquit, in the final speech to the jury on behalf of the defendants, said:

"Now there has been a great deal of talk as to whether or not the magazine had a policy. The importance of the issue has become exaggerated. The magazine has not had a policy in the sense of a political program. That clearly appears from the announcement published in every issue of the magazine. But did we mean to say that the magazine had no distinct character? By no means! The Masses was a radical magazine. It was a radical magazine because it was created by radicals.

"That radicalism expressed itself before our entry into the war always in the same way, by the expression of independent thought, free, individual, honest expression, on any subject that was broached by the magazine.

"And then, gentlemen, the war came on. First the European war, then our entry into it. And what is the testimony with reference to both phases? When the war broke out in Europe, as far as the testimony shows, the vast majority of the contributors of the magazine favored the cause of the Allies. Max Eastman was included in that number. Floyd Dell was included in that number, and their very explicit statements to that effect were read to you. They were published openly. They were published broadcast.

"Then new developments occurred from day to day, from month to month. After the war had been in progress about



DUDLEY FIELD MALONE

A Sketch by Art Young

violation of the law. If he were trying to conspire to oppose the law, would not he have left that paragraph in? Would he have taken it out?

"And what was the next thing that these men did? In July, Max Eastman began to communicate with the Postmaster General—for what? To find out from Mr. Burleson how they could write their magazine so that it would come within the provisions of the regulations of the Postoffice Department and the law. If you were conspiring to do something, would you be showing a Government officer what was in your magazine? Would you go to the Postmaster General, a member of the Cabinet, and show him the magazine, if you were conspiring in the magazine, or if you thought you were? Their intent was to conform to the law to the best of their ability.

"What was the fifth thing they did? When the magazine was suppressed, they went to court. They went to court to sustain their rights, because they believed they had not violated the law. And Judge Learned Hand, another judge of this court, handed down a decision in which he held that these defendants were entirely within their rights and that the Postmaster had exceeded his rights in suppressing the magazine.

"If they had been conspiring, would they have brought such proceedings?

"What was the next thing done? Mr. Eastman wrote to the President of the United States. He brought the Masses to the attention of the President.

"Why, gentlemen, if he had been conspiring, would these men have gone to the President, to Creel and to Burleson, and into court?

"I don't believe there ever was a case in which by the actions of the defendants themselves they showed so definitely their intention to violate no law.

"Don't we want thinkers in the country? Don't we want them to think clearly? The President says we do. The President says it is most important in a constitutional government that we should have clear thinking. He says, 'The vigilance of intelligently directed opinion is indeed the very soil of liberty, and of all the enlightened institutions meant to sustain it. And that will always be the freest country in which enlightened opinion abounds, in which to plant the practices of government. It is the quintessence of a constitutional system that its people should think straight, maintain a consistent purpose, look before and after, and make their lives the image of their thoughts.'

"Men of all parties and all creeds in this country have a right to express their opinion during the war, as well as before the war. Why? Because if we are to have a permanent peace, it must be a just peace. There must be no annexations. There must be no indemnities. Every people must be free to determine their own form of government.

"And men in this country, like Max Eastman, and myself, openly spoke and urged the President to state our war aims, the terms on which we would make peace. We did it with no disrespect. We may have done it in a militant fashion, but we did it because we felt that America, the leader of democratic idealism in the world, ought frankly to state her terms of peace, her war aims, since we had nothing to hide.

"And months afterwards, the President announced these war aims and these peace terms, in a document which has fixed the performance of the Allies. Is a man to be charged

with crime for thinking things which the President said six months after?

"Can it be that even in war days, when we are trying to unify our nation, when we are trying to gather together every element of our people behind the government, that we are going to hold guilty of conspiracy on evidence of this kind, American citizens of this stamp? Are we going to shackle the creative thought of the nation?"

### Morris Hillquit's Speech

Morris Hillquit, in the final speech to the jury on behalf of the defendants, said:

"Now there has been a great deal of talk as to whether or not the magazine had a policy. The importance of the issue has become exaggerated. The magazine has not had a policy in the sense of a political program. That clearly appears from the announcement published in every issue of the magazine. But did we mean to say that the magazine had no distinct character? By no means! The Masses was a radical magazine. It was a radical magazine because it was created by radicals.

"That radicalism expressed itself before our entry into the war always in the same way, by the expression of independent thought, free, individual, honest expression, on any subject that was broached by the magazine.

"And then, gentlemen, the war came on. First the European war, then our entry into it. And what is the testimony with reference to both phases? When the war broke out in Europe, as far as the testimony shows, the vast majority of the contributors of the magazine favored the cause of the Allies. Max Eastman was included in that number. Floyd Dell was included in that number, and their very explicit statements to that effect were read to you. They were published openly. They were published broadcast.

"Then new developments occurred from day to day, from month to month. After the war had been in progress about



DUDLEY FIELD MALONE

A Sketch by Art Young

a year or more, the desirability of 'crushing' Germany became doubtful. Thoughtful men here and elsewhere all over the world pointed out that we had seen the result of 'crushing' a defeated nation when Prussia in 1870 took Alsace-Lorraine from France—and that deed, that crime of 1870 had now thrown the entire world into another war such as mankind had never seen before.

"Shall this war be conducted for similar aims? Shall other countries be dismembered? Shall other nationalities be divided? Shall territory be annexed? Shall indemnities be imposed? Shall this war leave a smarting feeling of grievances among nations which might lead to greater and greater wars and end in the extermination of our entire civilization?

"There were men, and thoughtful men, who said: This great evil having come upon mankind, the only adequate compensation possible is that this war should be the last of all wars—that it should not end in rancor, in resentment, in seeds of new war, but that it should create a new world system, based on true democracy, and true justice, and absence of any and all causes of war.

"And, gentlemen, it was the President of this Republic at that time who better than any other man, I believe, in the world, expressed that thought—that desire—that idea—in a most memorable speech made before the Senate of the United States in January, 1917.

"We have been mentioning the name of the President very often in this case. Don't think for one moment that we wish to hide behind the President. We refer to the President, first, because, as the Executive Chief of this nation, he is the spokesman of the nation. We refer to him, second, because he has been all during this war an intellectual thinker on the war, and has had a peculiar, exceptional facility of expression. But mind you, gentlemen, we claim that the humblest citizen in the United States has the same right to do his own thinking on these world-problems and to express them as the President of the United States. That is the essence of democracy—the sovereignty of the people. So please don't misunderstand our reference to the President of the United States.

"I say, then, that in this memorable speech of January, 1917, the President of the United States gave a new chart to mankind. He proposed a new world which had for its foundation the ending of this present war without victory, without defeat, without humiliation, without intrigue, without causes for new wars.

"And Max Eastman and Floyd Dell testified that they were among the thousands who accepted that program enthusiastically, passionately, and they advocated it in the pages of the magazine, and on every other occasion.

"Then came the announcement of the policy of unrestricted warfare by the German government. Our country went into the war—for what? For any gains of our own? No. Because this country was actually physically endangered or menaced? No. But "to make the world safe for democracy." What does that mean? To bring about exactly the state of affairs the President had depicted in January, 1917, and nothing else.

"The President of the United States had come to the conclusion that the only way to bring about this state of affairs was by joining in the war and throwing the weight of our arms, the weight of our resources, on the side of our Allies.

"A short time before that he had thought we could accomplish the same object by staying out of the war, by remaining the most powerful neutral in the world.

"Now Max Eastman, Floyd Dell, and a great many others, still believed, as the President and others had believed before our entry into the war, that this object—the object of ending the war, the object of ending all wars—could be best accomplished by our staying out of the war, and by our using the tremendous power of this country as a neutral, in influencing, and if possible, directing both sides.

"Gentlemen, this does not represent a conflict of opinion between Max Eastman and the President of the United States. It represents a difference of opinion between two groups of thinkers, each reasoning from his own honest convictions.

"It is an hypothesis in both cases. One is a possible policy; the other is a possible policy. We are not here to defend or to prove the position of Max Eastman or Floyd Dell, or the correctness of their position. They may be all wrong. They may be all right. We don't know. All we say to you is this, that it was an expression of honest conviction. All we say to you is that expression was prompted as it was in the case of all our patriots, by a desire to bring about the best ends for the country, and for mankind at large.

"We had a right to entertain such views. We had a right to entertain them even though we were in the minority. We had a right to entertain them, even though they were contrary to the views adopted by the official administration of the country.

"And that brings us to another subject—the subject of conscription. There was a good deal said about the attitude of the writers in the Masses on the subject of conscription, and on the somewhat related subject of conscientious objectors.

"Gentlemen, we want you to understand our position. Before the Conscription Law was enacted, a great many of the contributors of the Masses were opposed to it. We need not go into it much longer. As far as the system itself is concerned, it was novel to this country. It was a radical departure from established policies. And for this reason there were many sections of the people who were opposed to it. It was debated in Congress. Mr. Barnes showed you the figures. He showed when it finally passed the House of Representatives, there were only, I believe, twenty-eight members who voted against it. Yet you will all remember that in the debates preceding the taking of the vote, there were very large numbers of Congressmen expressing themselves in opposition to it. You will remember that when the bill was first introduced, there was a very grave question whether it would pass at all or not. You remember that in various straw votes taken before the bill was passed, the two sides showed almost equal strength.

"The Administration prevailed. The bill was passed. The bill was passed by a large majority. But don't forget that there was a strong opposition to it at the time from all quarters of the country.

"And these defendants, or some of them, were among the millions of American citizens who opposed the system of conscription, and they voiced their opposition in the pages of this magazine, just as you or anybody else who was opposed to it would voice it in this manner of expression in private talk.



Drawn by Art Young

"When the war came upon us, it could not over night have changed the psychology, the attitude, the ingrained habits of men. This was a matter of gradual growth. At the time when we voiced our opinions against conscription, we did it when conscription was not a law, when the principle of conscription was debatable, and when the right of every man and woman to express his or her opinion on the subject was freely recognized by the entire world. Today 'opposition to conscription' acquires a certain sinister significance, particularly in the mouth of the prosecuting counsel. Gentlemen, at the time these articles were issued, the phrase 'opposition to conscription' was absolutely common. All newspapers bristled with it. It was considered perfectly legitimate.

"Now we have in this phrase 'opposition to conscription' two different meanings, as expressed in the magazine. There was one opposed to conscription as conscription, as a system; and there was the other so well expressed by Floyd Dell, for instance, when he said, 'Personally, I was not opposed to conscription. I recognized that in modern wars conscription is the only method of raising armies. But I want a democratic conscription, a conscription of the willing, again to use a phrase of our President, and I said that any such conscription must be based upon one definite principle: and that is, if there is any person whose conscience will not allow him to take up arms, who could only do it in gross violation of his soul, he should not be compelled to take up arms.' Or if he is sought to be compelled, and he still cannot make it compatible with his conscience, he should be allowed to take his punishment for refusal to serve, and be treated with some consideration—some dignity—not to be treated as a slacker or coward, not be derided, not be held

up to the contempt of his fellow men. The government should mete out his punishment, as Mr. Eastman expressed it, with a sort of 'sorrowful dignity,' recognizing the necessity to inflict punishment for the maintenance of discipline, but recognizing at the same time that that man is not a degenerate, not a coward, not a slacker, but a man of honest convictions.

"There are two other kinds of articles or cartoons to be considered here. One is a general expression of the struggle to preserve the democratic institutions during the war. Now, gentlemen, on this point you don't have to agree with the defendants, but you should understand their point of view. And this it was, as expressed in these articles. They said, 'We are engaged in war. We accept the war as a fact,' as Mr. Creel, for instance, phrased it. But we want this war to be fought as a war for democracy. We all want it. We don't believe that this war can be fought for such purposes unless we first preserve and strengthen our own democracy. We don't believe in abandoning the fundamental constitutional rights of this country, even during the war, even for a day, even for an hour. For, gentlemen, these constitutional liberties once surrendered for one single hour, mean a destruction of the very foundations upon which this republic was built.

"Constitutional rights cannot be surrendered and cannot be regained. They are not a gift. They are the conquest by this nation, as they were a conquest by the English nation. They can never be taken away, and if taken away, and if returned, if given back after the war, they will never again have the same potent, vivifying force of expressing the democratic soul of a nation. They will be a gift to be given, to be taken, at the behest, at the whim or will or caprice of any individual or group of individuals.

"And finally, there is another series of articles and cartoons which we may classify as a general opposition to imperialism in any form, at home or abroad, and to capitalism in the sense of profiteering in the sense of allowing a privileged, powerful class to take advantage of this crisis and to capitalize the suffering of their fellow men, to capitalize this great strain upon the nation for their own individual advantage or advancement.

"Now, gentlemen, I have tried my best to classify all of these articles—pictures and cartoons—and I will ask you when they are read to you or shown to you again, to ask yourselves this question: Does it do any more than express one of these sentiments? And it does not matter how violently it may express that sentiment, and it does not matter in what bad taste, from your point of view, it may be expressed. That is a matter for the author. That is a matter of literary criticism. That has nothing to do with the case.

"And then I want you to bear in mind, gentlemen, after all, that all of these matters, interesting and instructive as they are, have very little to do with the case. If a stranger had walked into this courtroom while this case was in progress, if he had not read the indictment, if he had not known about the specific charge, but just listened to the testimony, what conception do you think he would have of this case? Would it ever occur to him that this is a trial of four men charged with having plotted, conspired together, to commit a definite crime under the statute, to obstruct the recruiting or enlistment service? No. He would say, this is a very interesting discussion between two conflicting views on war and peace and incidental subjects. He would consider it a highly in-



Drawn by Art Young

"When the war came upon us, it could not over night have changed the psychology, the attitude, the ingrained habits of men. This was a matter of gradual growth. At the time when we voiced our opinions against conscription, we did it when conscription was not a law, when the principle of conscription was debatable, and when the right of every man and woman to express his or her opinion on the subject was freely recognized by the entire world. Today 'opposition to conscription' acquires a certain sinister significance, particularly in the mouth of the prosecuting counsel. Gentlemen, at the time these articles were issued, the phrase 'opposition to conscription' was absolutely common. All newspapers bristled with it. It was considered perfectly legitimate.

"Now we have in this phrase 'opposition to conscription' two different meanings, as expressed in the magazine. There was one opposed to conscription as conscription, as a system; and there was the other so well expressed by Floyd Dell, for instance, when he said, 'Personally, I was not opposed to conscription. I recognized that in modern wars conscription is the only method of raising armies. But I want a democratic conscription, a conscription of the willing, again to use a phrase of our President, and I said that any such conscription must be based upon one definite principle: and that is, if there is any person whose conscience will not allow him to take up arms, who could only do it in gross violation of his soul, he should not be compelled to take up arms.' Or if he is sought to be compelled, and he still cannot make it compatible with his conscience, he should be allowed to take his punishment for refusal to serve, and be treated with some consideration—some dignity—not to be treated as a slacker or coward, not be derided, not be held

up to the contempt of his fellow men. The government should mete out his punishment, as Mr. Eastman expressed it, with a sort of 'sorrowful dignity,' recognizing the necessity to inflict punishment for the maintenance of discipline, but recognizing at the same time that that man is not a degenerate, not a coward, not a slacker, but a man of honest convictions.

"There are two other kinds of articles or cartoons to be considered here. One is a general expression of the struggle to preserve the democratic institutions during the war. Now, gentlemen, on this point you don't have to agree with the defendants, but you should understand their point of view. And this it was, as expressed in these articles. They said, 'We are engaged in war. We accept the war as a fact,' as Mr. Creel, for instance, phrased it. But we want this war to be fought as a war for democracy. We all want it. We don't believe that this war can be fought for such purposes unless we first preserve and strengthen our own democracy. We don't believe in abandoning the fundamental constitutional rights of this country, even during the war, even for a day, even for an hour. For, gentlemen, these constitutional liberties once surrendered for one single hour, mean a destruction of the very foundations upon which this republic was built.

"Constitutional rights cannot be surrendered and cannot be regained. They are not a gift. They are the conquest by this nation, as they were a conquest by the English nation. They can never be taken away, and if taken away, and if returned, if given back after the war, they will never again have the same potent, vivifying force of expressing the democratic soul of a nation. They will be a gift to be given, to be taken, at the behest, at the whim or will or caprice of any individual or group of individuals.

"And finally, there is another series of articles and cartoons which we may classify as a general opposition to imperialism in any form, at home or abroad, and to capitalism in the sense of profiteering in the sense of allowing a privileged, powerful class to take advantage of this crisis and to capitalize the suffering of their fellow men, to capitalize this great strain upon the nation for their own individual advantage or advancement.

"Now, gentlemen, I have tried my best to classify all of these articles—pictures and cartoons—and I will ask you when they are read to you or shown to you again, to ask yourselves this question: Does it do any more than express one of these sentiments? And it does not matter how violently it may express that sentiment, and it does not matter in what bad taste, from your point of view, it may be expressed. That is a matter for the author. That is a matter of literary criticism. That has nothing to do with the case.

"And then I want you to bear in mind, gentlemen, after all, that all of these matters, interesting and instructive as they are, have very little to do with the case. If a stranger had walked into this courtroom while this case was in progress, if he had not read the indictment, if he had not known about the specific charge, but just listened to the testimony, what conception do you think he would have of this case? Would it ever occur to him that this is a trial of four men charged with having plotted, conspired together, to commit a definite crime under the statute, to obstruct the recruiting or enlistment service? No. He would say, this is a very interesting discussion between two conflicting views on war and peace and incidental subjects. He would consider it a highly in-

teresting debate. But, gentlemen, this is not a prize debate. This is not a contest of wits. And you are not sitting as judges of a debate here.

"I cannot impress it strongly enough upon you that your verdict has absolutely nothing to do with the approval or disapproval of the views of these defendants. A verdict of not guilty will not mean that you endorse their views, or any part of them. That is your own private affair. You may endorse them, you may oppose them most violently. But that has nothing to do with your verdict.

"Gentlemen, about the greatest disservice you could render to the community, to your country, to the system of justice which is the cornerstone of the entire national existence of America, would be to render your verdict upon the assumption that you are demonstrating your patriotism by a verdict of guilty, and upon the assumption that there would be any sort of reflection upon your patriotism by a verdict of not guilty. Your patriotism is not on trial. Your views are not on trial. You have no right under your oaths to be guided by such considerations at all in the slightest degree. Just in these times, gentlemen of the jury, when tension is high, when feelings run high, when hysteria becomes dangerous, it is most important that this atmosphere should not be carried into our halls of justice.

"You have been placed in an exceedingly delicate and important position. You are here to uphold the majesty of the law. You are here to uphold the principle of justice in spite of popular clamor. You are called upon to pass upon the guilt or innocence of your fellow men upon the evidence in this case."

#### Mr. Barnes

In the afternoon of Thursday Mr. Barnes summed up the case for the prosecution. There was one odd thing about his speech. For all his earnestness, his apparently sincere belief that what we had done constituted a crime, he was not what one would call an eloquent speaker; and yet, strangely enough, a note of real eloquence came into his voice whenever he talked about us—whenever he referred to us not as defendants in the abstract, but as persons. Could it be that really in his heart, and in spite of his conscious legal persuasions to the contrary, he instinctively considered us simply as a crowd of good fellows with whom he would like to be in agreement? He went out of his way to pay us compliments which seemed utterly sincere. Especially he seemed genuinely troubled at having to ask the jury to convict Art Young. But if such were his inner feelings, his sense of duty was stronger. We were all the more dangerous, he told the jury, because of our high abilities. He read, with sinister emphasis, while the band played patriotic airs outside and the newsboys cried the latest defeat in France, every line which could suggest to the jury that our hearts were not with our country in her hour of struggle. He wrenched phrases from their context, juxtaposed irrelevant bits of testimony, paraded gravely meaningless fragments of evidence, reiterated dark surmises which his common-sense must have told him were hollow, misrepresented our testimony on certain points to the jury, played upon their prejudices against Socialists and pacifists, tried to drag in the red spectre of Anarchism, conjured with soldiers' blood and parents' tears, and tried to persuade the jury that they could only prove their patriotism by sending us to prison—in a word,

he did his duty, as it is currently understood, as a prosecutor in behalf of the people of the United States. And yet—when he spoke, as he did sometimes, of liberty and of the rights of free speech, his voice rang clearer and more convincing, and there was a new look on his face . . . In such momentary flashes one gained the impression that he would have been a happier man, and inevitably a more able advocate of his cause, if he had been on our side. . . . Preposterous fancy to entertain of a man who is doing his damndest to get you sent to prison for twenty-years! "And so, gentlemen of the jury, I confidently expect you to bring in a verdict of guilty against each and every one of the defendants."

The jury, being duly charged,\* retired at 5:45 p. m., April 25th, Thursday. And we awaited their verdict.

In the hands of those men lay our liberty and perhaps the liberty of the press in America henceforth. If this was a conspiracy, anything was a conspiracy, and the freedom of the press was to be only a historical memory. Those twelve men, locked up in a room a little down the corridor, had these issues in the keeping of their minds, their hearts and their consciences.

We thought a good deal about those jurors as we walked up and down the corridors, smoking and talking quietly with friends, through the long hours and days that passed so slowly thereafter. It is hard to tell what a man is like from a few brief answers to a few set questions. It was a species of lightning guesswork to decide, those first two days, what kind of mind and heart and conscience a man had—what malevolent prejudices, what weak susceptibilities to popular emotions, what impenetrable stupidities might lurk unseen behind those unrevealing, brief replies. "Are you prejudiced?" "Yes." "Can you set aside that prejudice?"

\* Excerpts from the judge's charge are given on page 35.



**BOARDMAN ROBINSON**  
Who Didn't Miss an Hour of the Trial

teresting debate. But, gentlemen, this is not a prize debate. This is not a contest of wits. And you are not sitting as judges of a debate here.

"I cannot impress it strongly enough upon you that your verdict has absolutely nothing to do with the approval or disapproval of the views of these defendants. A verdict of not guilty will not mean that you endorse their views, or any part of them. That is your own private affair. You may endorse them, you may oppose them most violently. But that has nothing to do with your verdict.

"Gentlemen, about the greatest disservice you could render to the community, to your country, to the system of justice which is the cornerstone of the entire national existence of America, would be to render your verdict upon the assumption that you are demonstrating your patriotism by a verdict of guilty, and upon the assumption that there would be any sort of reflection upon your patriotism by a verdict of not guilty. Your patriotism is not on trial. Your views are not on trial. You have no right under your oaths to be guided by such considerations at all in the slightest degree. Just in these times, gentlemen of the jury, when tension is high, when feelings run high, when hysteria becomes dangerous, it is most important that this atmosphere should not be carried into our halls of justice.

"You have been placed in an exceedingly delicate and important position. You are here to uphold the majesty of the law. You are here to uphold the principle of justice in spite of popular clamor. You are called upon to pass upon the guilt or innocence of your fellow men upon the evidence in this case."

#### Mr. Barnes

In the afternoon of Thursday Mr. Barnes summed up the case for the prosecution. There was one odd thing about his speech. For all his earnestness, his apparently sincere belief that what we had done constituted a crime, he was not what one would call an eloquent speaker; and yet, strangely enough, a note of real eloquence came into his voice whenever he talked about us—whenever he referred to us not as defendants in the abstract, but as persons. Could it be that really in his heart, and in spite of his conscious legal persuasions to the contrary, he instinctively considered us simply as a crowd of good fellows with whom he would like to be in agreement? He went out of his way to pay us compliments which seemed utterly sincere. Especially he seemed genuinely troubled at having to ask the jury to convict Art Young. But if such were his inner feelings, his sense of duty was stronger. We were all the more dangerous, he told the jury, because of our high abilities. He read, with sinister emphasis, while the band played patriotic airs outside and the newsboys cried the latest defeat in France, every line which could suggest to the jury that our hearts were not with our country in her hour of struggle. He wrenched phrases from their context, juxtaposed irrelevant bits of testimony, paraded gravely meaningless fragments of evidence, reiterated dark surmises which his common-sense must have told him were hollow, misrepresented our testimony on certain points to the jury, played upon their prejudices against Socialists and pacifists, tried to drag in the red spectre of Anarchism, conjured with soldiers' blood and parents' tears, and tried to persuade the jury that they could only prove their patriotism by sending us to prison—in a word,

he did his duty, as it is currently understood, as a prosecutor in behalf of the people of the United States. And yet—when he spoke, as he did sometimes, of liberty and of the rights of free speech, his voice rang clearer and more convincing, and there was a new look on his face . . . In such momentary flashes one gained the impression that he would have been a happier man, and inevitably a more able advocate of his cause, if he had been on our side. . . . Preposterous fancy to entertain of a man who is doing his damndest to get you sent to prison for twenty years! "And so, gentlemen of the jury, I confidently expect you to bring in a verdict of guilty against each and every one of the defendants."

The jury, being duly charged,\* retired at 5:45 p. m., April 25th, Thursday. And we awaited their verdict.

In the hands of those men lay our liberty and perhaps the liberty of the press in America henceforth. If this was a conspiracy, anything was a conspiracy, and the freedom of the press was to be only a historical memory. Those twelve men, locked up in a room a little down the corridor, had these issues in the keeping of their minds, their hearts and their consciences.

We thought a good deal about those jurors as we walked up and down the corridors, smoking and talking quietly with friends, through the long hours and days that passed so slowly thereafter. It is hard to tell what a man is like from a few brief answers to a few set questions. It was a species of lightning guesswork to decide, those first two days, what kind of mind and heart and conscience a man had—what malevolent prejudices, what weak susceptibilities to popular emotions, what impenetrable stupidities might lurk unseen behind those unrevealing, brief replies. "Are you prejudiced?" "Yes." "Can you set aside that prejudice?"

\* Excerpts from the judge's charge are given on page 35.



**BOARDMAN ROBINSON**  
Who Didn't Miss an Hour of the Trial

"Yes." "Will you be guided by the evidence?" "Yes." These may be the replies of a fool or a coward or a liar; they may be the replies of an honest man, open to conviction of the truth and steadfast as a rock in maintaining that truth against all opposition. We had to gamble on our first impressions of character and choose irrevocably. But as the days passed, we had learned more about those men—learned what we did not know before—what kind of men they really were. One cannot sit hour after hour for nine days in the same room with twelve men, without getting to some extent acquainted with them. We knew, as well as if we had had long conversations with them, how some of them stood.

But that, too, was mere guesswork. How could we be sure that the man we thought most hostile might not turn out to be our best friend—perhaps our only friend? And those who were for us, could we be certain that they had the courage to hold out? Some experienced friend would come along and take our arm and whisper, "Expect anything." From behind the heavy door of the jury room came sounds of excited argument. . . .

After dinner we returned, with a few friends, and bivouacked in the dim corridor, waiting. At 9:35 that night the judge was sent for, and we went eagerly into the courtroom. The jury filed in. Had they brought in a verdict? No; they desired further instructions.

The judge repeated his definition of conspiracy, and the jury went back. And already the inevitable rumors began to percolate. "Six to six."

Next morning the debate in the jury room grew fiercer,

noisier. What was happening? At 12:30 the jury came in, hot, weary, angry, sad, limp and exhausted. They had fought the case among themselves for eight terrible and vehement hours. We were sorry for them. We could not complain that they had not taken it seriously enough. It was evidently impossible to arrive at an agreement. And so in fact they had come to report. But the judge refused to discharge them, and they went back again, after further instructions, with renewed grim determination on their faces.

And again the rumors floated about. One of those who stood for conviction on the first vote had gone over to the other side. Again we wandered about the corridors, and returned in the evening to camp outside the court-room. What was the jury doing? Rumor had it that a second had gone over to the other side. . . . And then, in the unlighted windows of the Woolworth Tower opposite, we discovered a dim and ghostly reflection of the interior of the jury room. Men were standing up and sitting down, four or five at a time. A vote? Someone picked up something that looked like a magazine. Someone raised his arm. Someone strode across the room. Someone took off his coat. We crowded about our window and watched . . . and then went away. We had waited for twenty-nine hours. We could wonder no more. The whole thing seemed as dim and far away from us as that ghostly reflection in the window. We thought about stars and flowers and ideas and beautiful women. . . .

Eleven o'clock—jurors reported disagreement—sent back.

Saturday noon: hopelessly deadlocked, the jury was at last discharged, with all our thanks. And so, outside!

## A TRIBUTE

By Earl B. Barnes, Prosecuting Attorney—From the Court Record

THESE men

Are men of extraordinary intelligence.

Eastman is one of the brainiest men of our time—

A college professor, a writer of remarkable poetry, a brilliant orator, and a keen analyst of social conditions.

Rogers is a graduate of Harvard University, and a hustling

Man of business.

Dell,

A trained journalist, a writer of Exquisite English,

Keenly ironical, biting sarcastic.

Young, a cartoonist of national reputation,

A friend of Congressmen, and the Washington representative of one of our

Great magazines. . . .

Take Arthur Young.

I could cry

When I think of the position

In which this undoubtedly fine personal character

Finds himself today.

I know your hearts went out to him,

And I know my heart went out to him,

For the situation that he is in

Today.

But gentlemen,

We cannot let those feelings of sympathy,

Feelings of affection,

Of love almost,

That we might have for a man like Art Young—

We cannot let those feelings interfere

With our solemn duty at this time

To examine the evidence against Mr. Young

And to give a verdict on that evidence

And on that evidence alone.



# Speeches of Max Eastman and Morris Hillquit at the Masses Dinner, May 9

## Max Eastman

IT is good to be present in a large assemblage of people who are friends, or may become friends if one tells them what is really in his mind. I used to have a good many friends among various classes of people, but just lately the world seems pretty evenly divided between those who are down on me because I am going to jail, and those who are down on me because I am not going to jail. In this crisis I hardly know which way to turn for help, nor to which class I should extend my apologies, and the apologies of my attorneys, for having put me in this lukewarm and humiliating position. Mr. Barnes, the prosecuting attorney, very sympathetically described me to the jury as a man without a country. But I feel worse than that. Since that jury hung fire so long and failed to go off in either direction, I feel like a man without a character—a sort of a Bevo criminal with no tang or standing in the community whatever.

Now I don't want you to think this was entirely the fault of our attorneys. I think Morris Hillquit could have sent us to jail with a certain amount of clarity as to the reason why we were going, and I think Dudley could have sounded the proper emotions at the revolutionary movement, if we had happened to be guilty of the charge under which we were indicted. No—I think it was our own fault that we didn't go to jail. It was our own omission. We neglected to conspire to obstruct recruiting and enlistment. We neglected to commit the crime, and we will have to take the blame for it. And those who might put up a few thousand dollars to see us go to jail with first-class oratory and appropriate ceremonials of vilification in the capitalist press, will have to keep their money and content themselves with the reflection that even if we didn't commit the crime, we were honest about it, and came right out with it on the witness stand, and admitted that we didn't, and even admitted that we never thought of it until we were indicted and the opportunity to establish our guilt was gone.

I want to disclaim absolutely any aspirations toward martyrdom. I know that the truth is usually unpopular and often persecuted, but I do not belong with those who try to be unpopular and invite persecution with the idea that this will prove they are true. On the other hand I also disclaim responsibility for the contents or implication of any newspaper reports of our testimony on the witness-stand.

What we did in that courtroom—all of us to the best of our ability—was to tell the truth about our activities and about our opinions, to tell it with a careful avoidance of bravado, because we did not want to go to jail, and with a careful avoidance of apology, because we did not want to dishonor the truth. I remember after one of our conferences in Hillquit's office that Floyd stopped me in the hall, and said, "Now what I object to about these legal proceedings is their false simplification of the facts. I don't mind going to jail, but I object to going to jail as a pacifist. My position was not so simple as that. When I opposed this war I

opposed it for reasons and I want to have an opportunity to say so."

"Well," I said, "I agree with you, but don't say this to me. Say it to Morris. He'll know what you mean. And if you want to go to jail in a complicated way, no doubt he'll help you. Be yourself. That's all he's asking of us."

And that's all he did ask of us. And I don't believe there's another man in the United States who could with such inflexible, persistent force and astuteness of intellect have defended our legal position every minute, and yet at the same time with the most generous sympathy opened before the court and the jury for each one of us the intimate and true beliefs of his mind.

I never admired, and enjoyed, intellectual elevation and force of character more in my life than I did in our two attorneys, who fought this two weeks' battle and won this victory—for it was a victory—with the alertness of tigers, and on the highest plane possible in a court of law. If ever I want to defend myself, or see the truth defended again, or if ever I want to see twelve men and a judge receive a good liberal education, there are two men to whom I should turn for the job—Morris Hillquit and Dudley Field Malone.

I suppose that if we are committed we cannot hope to be treated as political prisoners. The only people to whom the United States seems to be extending that courtesy are German spies. But we must admit that we were treated as political defendants, and given a full and fair opportunity to present both our general philosophy and our particular opinion, before the court. And if they didn't get outside of the court I don't think that was the fault of the reporters either. They were good listeners. It was the fault of the city editors, and of the general policy of suspicion and obliquity towards agitators which controls the news columns of this country. It is one of the unwritten maxims of modern journalism always to hold a man guilty until he is proven innocent, and this was reinforced in our case by a special determination to get us proven guilty if they possibly could. I don't understand why. I can't fathom the enthusiasm that possesses these supposedly patriotic editors for jailing their own fellow-citizens at the same time they are shouting for national unity, and trying to pretend they are for America and the rights of American citizens all over the world. Why, every day or so the *New York Times* prints a solid column of abusive news about some American individuals or organizations that have been a little extreme in expressing their devotion to liberty and democracy, and then at the bottom of the column a brief three lines about some German spies who set fire to a factory and blew up several million dollars' worth of war munitions or something of that kind. Honestly, I think there is something humorous about the way our belligerent enthusiasm operates in this country. We haven't had a single anti-German riot that I know of since the war began—and that of course is a good thing—but we read every week of three or four domestic riots, tar-and-featherings, or lynchings of American citizens who have happened to speak an inappropriate word at an inappropriate moment.

The only two men openly murdered in the name of patriotism since we entered the war were a well-known American labor leader who is not alleged by any responsible person ever to have uttered a seditious word, and a Socialist agitator, who was afterwards found to have in his home this letter from a lieutenant in the United States Navy:

"United States Navy  
"Recruiting Station

"Calumet Bldg., St. Louis, Mo.

"R. P. Prager: I am sorry that the rigid physical requirements make it impossible for you to serve your country in the navy in time of war. There is good reason for such rigid requirements, so you should not worry about passing.

"I feel, since you have been patriotic enough to volunteer, you should have something to show for it, and so that no one will have the right to call you a 'slacker' I am writing you this letter of appreciation. If any one ever questions your patriotism, show him this letter. It is proof that you have honestly tried to do your duty by your country.

"Respectfully,

"E. D. LANGWORTHY,

"Lieutenant U. S. Navy, Recruiting Officer."

There are said to be 150,000 German spies at large in this country; but there is just as surprising a number of American citizens in jail under a law especially designed for the imprisonment of German spies, and so named the "espionage law."

And now they have passed another law, that is more particularly designed for the incarceration of obstreperous Americans and quite remotely related to the prosecution of a war that is supposed to be directed again the German government. The only advantage I can see in this new law is that it is framed in such language as to make it henceforth unlawful for Theodore Roosevelt to open his mouth. For it forbids abusive language not only about the United States or its form of government, but about the government itself, and of course Theodore Roosevelt can't open his mouth without abusing any government which he doesn't happen to be.

I don't want to appear on this occasion as a jingo, but I think it would be a lot better for the future of democracy if some of those politicians in Congress would prosecute the war against the German Empire instead of against the American republic.

As I was saying, I can't understand this attitude. And I give it up. I don't expect my attitude to be understood either. But like Floyd, if I am going to jail for my opinions, I want them at least to be expressed as they were. And so I am going to take the liberty of reading to you a little bit of testimony, and if anybody cares he can know just exactly where I stood, and where I said I stood on the witness stand:

"Q. Was your idea in writing this article, that in a democracy, the people called upon to carry on a war actively should know what they are called upon to fight for?"

"A. Yes, and I was particularly actuated, as I was in everything that I wrote in all these issues up to the time of the letter to the Pope, by the desire expressed by the Russian Government that we should endorse their platform, which has subsequently become famous. . . . And in this article I quote a statement addressed by the Socialists who were in control in Russia, to the Socialists in the Allied countries—I will read this:

"The Russian Revolutionary Democracy addresses itself in the first place to you Socialists of the Allied countries.

You must not allow the voice of the Russian provisional government to remain isolated from the union of the Allied powers. You must force your governments to proclaim resolutely the platform of peace without annexations or indemnities, and the right of the people to settle their destinies."

"I was—and we all were, everybody that I knew—occupied at that time with trying to respond to that appeal of the Russian provisional government, to get the Allies, all of them, to declare for those peace terms, and all through the summer we were trying to do that; our opposition was based upon that, and it was not until the President wrote his reply to the Pope that we felt that our Government had acceded to that request of the Russian Government.

"I was not advocating our withdrawal from the war. I do not use my brains in that way. When there is a settled fact, I try to look ahead and see what can lead us out to a satisfactory result, and I regarded the war as a fact from the time it began.

"But I was continually demanding that we should endorse the Russian peace terms, until the President wrote his letter to the Pope, in which the President did endorse them.

"Then—may I just finish the sentence?"

"Q. Go ahead."

"A. And then I was advocating still a further step, that he should outline more definitely his entire program of peace in territorial terms. When he did that, I still thought there was something he might do.

"He might make more specific and more definite his invitation to the German people, to discuss those terms, and on February 11th he did that, and from February 11, I have not had an idea of anything that ought to be done that has not been done.

"I still maintain my right to speak when I do have such an idea."

That was my position and it still is. I have no desire to become a martyr for my opinions, but I do not intend to change them at the dictation of any power but my own intelligence. I have not relinquished and I do not relinquish my lawful right to speak the important truth as I see it. And I ask you to help me defend that right.

## Morris Hillquit

COMRADES and Friends: I am glad to have this opportunity to speak to you tonight, particularly as I do not know whether we shall have such opportunities again in the near future. It seems Congress is bent on giving all of us who are in the habit of thinking and speaking, a little rest. A certain law has passed both houses and is now awaiting the signature of the President. When that signature is attached to the law, we shall enjoy a beautiful vacation. (Laughter.)\* To start in with, you know what a nuisance it is to write letters to your friends. I know I have cursed the necessity more than once. Very well, then, under the new law you will be relieved of that necessity (laughter), for that law provides among other things as follows: "The Postmaster General may upon evidence satisfactory to him" that is all—just on evidence presented by himself and to himself (laughter) and passed upon favorably by himself (laughter) to his own satisfaction—upon that degree of evi-

\* Mr. Hillquit's speech is taken from the stenographer's minutes, with these parenthetical comments of the audience.

dence "that any person or concern is using the mails in violation of any of the provisions of this Act," he may instruct the Postmaster at any Post Office at which the mail is received, addressed to such person or concern, to return to the Postmaster at the Office at which they were originally mailed, all letters or other matter so addressed, with the words 'Mail to this address undeliverable under the Espionage Act' plainly written or stamped upon the outside thereof."

So that if the Postmaster General gets himself evidence satisfactory to himself that you are a person who writes in violation of the Espionage Law, none of your letters will be forwarded and no letters addressed to you, no matter what their contents, no matter whom they come from, from men or women associated with you in politics, from your business friends, from your parents, from your sweethearts—they will be stamped "Non-mailable under the Espionage Law."

There is some talk about a new law to be proposed in Congress, to this effect: If the Attorney General is convinced by evidence satisfactory to him that any citizen of the United States *thinks* (laughter) in violation of the provisions of the Espionage Law, he shall be chloroformed by the Army surgeon during the duration of the war so as to relieve him of the capacity of thinking seditious thoughts (laughter and applause). Now, I do not give this out as authentic (laughter). It is only a rumor. But stranger things have happened of late.

So then, you are relieved of correspondence and may be relieved of thinking. You are moreover relieved of talking. Another paragraph under this new law takes care of that. It is in the form of an amendment to the present Espionage Act and provides as follows.

"Whoever shall wilfully utter, print, write or publish any disloyal, profane, scurrilous, contemptuous or abusive language about the form of Government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the army or navy of the United States, or any language intended to bring the form of Government or the Constitution or the military or naval forces or the flag or the uniform of the army and navy into contempt, scorn or disrepute, shall be punished by a fine of not more than ten thousand dollars or imprisonment for not more than twenty years."

Now then, you must understand the provisions of this law—perhaps I could not explain it to you after it is signed, but since it is not a law yet, I can at least explain to you what it means.

Suppose a boy of yours is drafted into the army. He orders a uniform. The tailor turns out a misfit (laughter); suppose your boy comes home, and you, with loving regrets, consider his trousers and suppose something of this kind escapes you: "Damn that tailor, he made a pair of balloons instead of trousers." (Laughter.) Twenty years and ten thousand dollars. (Laughter and applause.)

And if that seems a huge joke to you, don't forget that such a law not only means what it says but what it may be made to mean in subsequent judicial proceedings. We have had an example of the way such a law can be used in the Masses case.

I only wish that all of you had been in the court room in those ten successive days during which the Masses case

was tried. You would appreciate one thing at least; that these defendants were not on trial as individuals, but as your spokesmen and mine, as the spokesmen of loyal, liberal, radical, liberty-loving citizenship of the United States.

I am used to court rooms. I have seen a great many cases tried. I believe never in the history of American jurisprudence was there a case of this character tried in an American court.

It did not seem a trial. It had the appearance of a university for uneducated, unenlightened American citizens in the jury box and outside of it (applause). They were instructed upon the fundamental rights under the Constitution which it is alleged this new bill seeks to uphold. They were instructed upon the rights of American citizens to think for themselves on all vital questions, including the questions of war and peace and conscription. (Applause.)

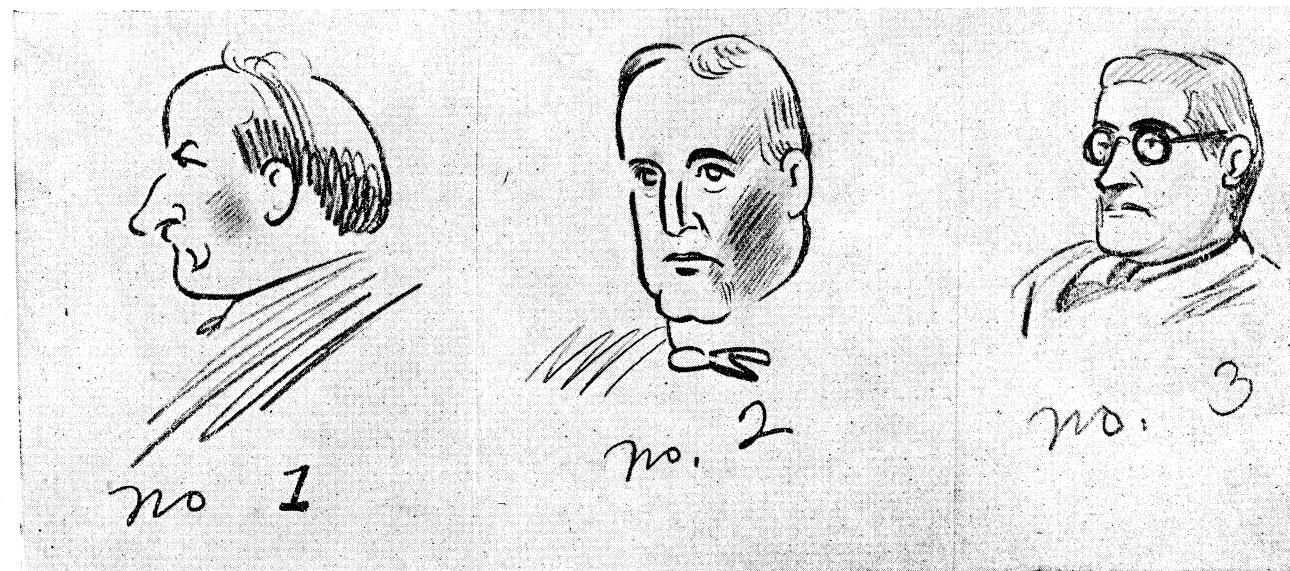
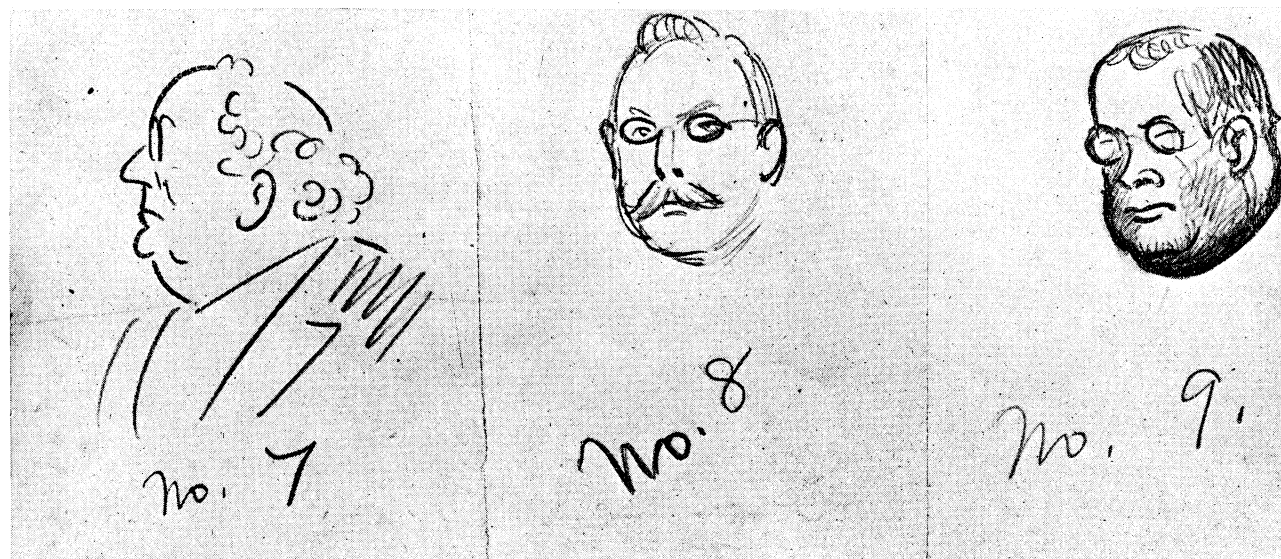
And I want to say to you, standing before you here tonight as one of the attorneys for these defendants, I am proud of my clients. (Applause.) You never know the value of a man or woman until such time as you see them on the witness stand in a case in which their liberty is at stake. I had known Max Eastman before; I had known Floyd Dell somewhat. I had known Art Young well—but I had not known any of them.

When we had Max Eastman on the stand for two consecutive days, when he was grilled by the prosecution upon every article of his belief, and when, quietly, honestly and courageously, at the same time with compelling force, he drove home every argument he had made in the Masses or in public speeches during those troublous days after we entered the war, when he advocated his right, our right, to think and to speak—and when finally he became so convincing that even half of those jurors, hostile as they were, were won over, and the crowd in the court room that had come to scoff remained, as it were, to pray, then I could see that trials of this kind, if continued long enough, if they forced their way into the papers, will be about the only medium of education for the American public.

And we will have more of such trials as soon as this new bill is signed. Did you read the newspaper reasons for the enactment of this bill? They are interesting. One of them is to stop mob violence and lynching. Do you understand how? I will tell you.

This measure is a part of the Government process of taking over certain private industries. This bill means the nationalization of the private institution of lynching. (Applause.) Instead of an irresponsible mob taking it upon itself, upon evidence satisfactory to itself, to deprive a citizen of his rights or of his liberty, we have now a Government official who will exercise that right, upon evidence satisfactory to him. No more process of law in one case than in the other; no more justice in one case than in the other; no more right of appeal in one case than in the other.

There are hard times before us. More of you, more of us, may find themselves in the position in which Max Eastman and Art Young, Merrill Rogers and Floyd Dell are now. Remember at all times that is not their fight that they are fighting, it is not their rights that they are defending—it is your fight, it is your rights; and you must stand by them as they have stood by you. (Applause.)



## THE MASSES JURY

THE newspapers reported that this jury voted ten to two for conviction of the editors of *The Masses*. They voted six to six on the first ballot, and only after they had been out two nights and a day and a half, did three of the defenders of acquittal break down, and the final vote stood nine to three for conviction.

Number 1 is a tea-merchant up in Mount Vernon—not a loud listener but a faithful one, and doubtless a good judge of tea.

Number 2 is a dealer in automobile accessories. He is one of the very few jurors who did not enter the trial with an avowed prejudice against pacifists or Socialists. The others said they thought they could overcome their prejudice; he said he didn't have any. The attorneys for

*The Masses* neglected to ask the jurors whether they had a sense of humor, but Number 2 had one.

Number 3 is a salesman at Brooks Brothers, as handsome as his clothes.

Number 4 is a dealer in combs, "materialistic but not mean," we thought. "He won't have any fiery enthusiasm one way or the other."

Number 5 is a manager. And on the side, one suspects, something of a fireside orator.

Number 6 is a dealer in iron—and also in precise parsimonious opinions. He seemed very careful and conscientious about them. (Some of these portraits are a trifle sketchy, but 5 and 6 are drawn with extraordinary truth to life.)



Number 7 is a good old honest, painstaking judge and jury, whom you would respect if he condemned you to the gallows. He called himself an "agent," but he was known in the back part of the courtroom as P. T. Barnum.

Number 8 is a dealer in signs, and probably believes in them.

Number 9 is as he looks in the picture—a commercial traveller whose stock in trade is not cheek but good nature.

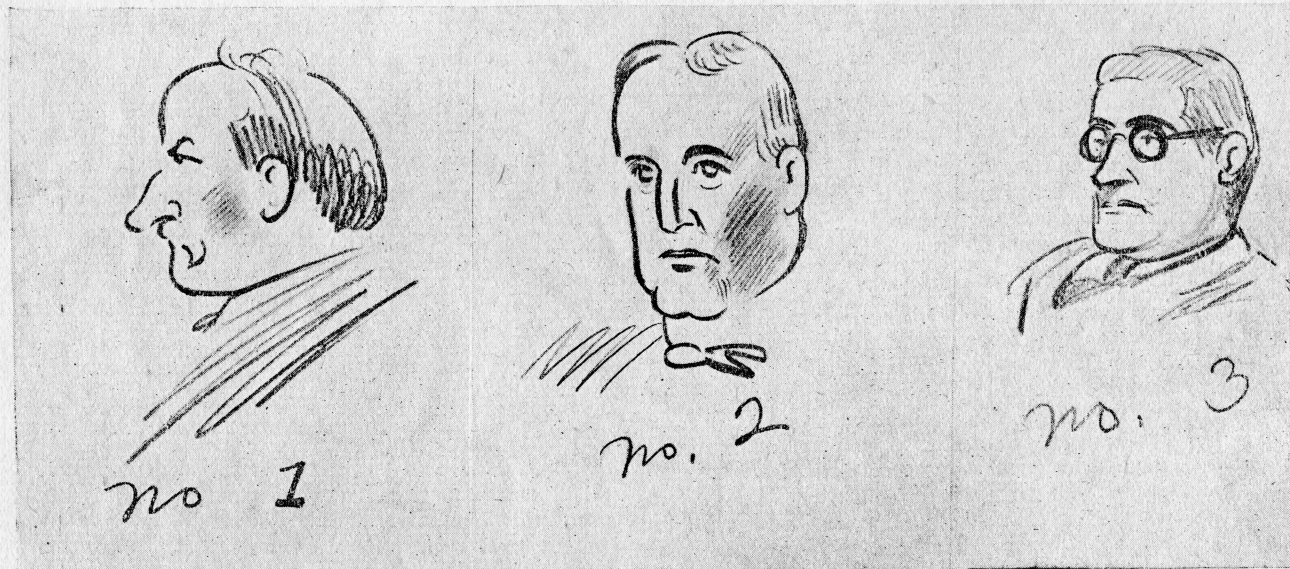
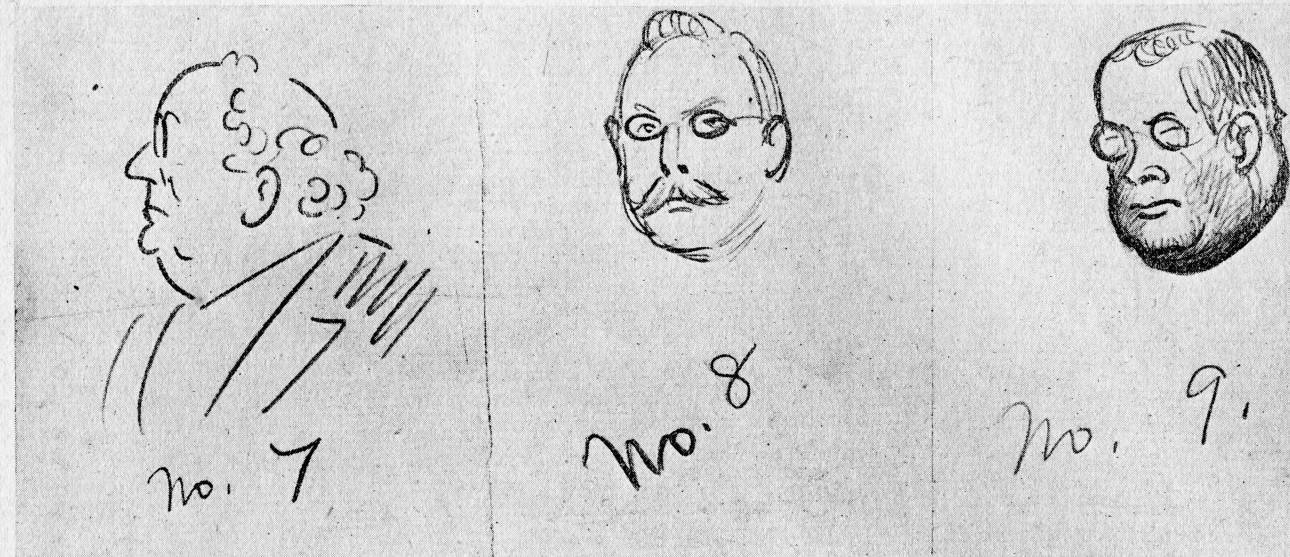
Number 10 is the manager of a life insurance company, a Quaker who stoutly believes in this war—his Quakerism perhaps a little bit "over-corrected," but a humane gentleman at every point.

Number 11 is a salesman, a college graduate, subject to

the draft—merry and sophisticated enough to bear up under Mr. Cobb's solemn intonation of free verse poems out of the *Masses*.

Number 12 is a "manager"—a man with brains and a jaw—like a good sputtering light in a lantern. He also could laugh.

It was not a jury that anybody would select to defend himself with after he had expressed socialistic opinions. Probably a wage-worker never yet wandered into that box. But it was, upon the whole, human. And most of us were thankful to the man who devised this extraordinary idea of having human beings, instead of exponents of justice, decide the facts in a matter of so much importance. M. E.



THE newspapers reported that this jury voted ten to two for conviction of the editors of *The Masses*. They voted six to six on the first ballot, and only after they had been out two nights and a day and a half, did three of the defenders of acquittal break down, and the final vote stood nine to three for conviction.

Number 1 is a tea-merchant up in Mount Vernon—not a loud listener but a faithful one, and doubtless a good judge of tea.

Number 2 is a dealer in automobile accessories. He is one of the very few jurors who did not enter the trial with an avowed prejudice against pacifists or Socialists. The others said they thought they could overcome their prejudice; he said he didn't have any. The attorneys for

*The Masses* neglected to ask the jurors whether they had a sense of humor, but Number 2 had one.

Number 3 is a salesman at Brooks Brothers, as handsome as his clothes.

Number 4 is a dealer in combs, "materialistic but not mean," we thought. "He won't have any fiery enthusiasm one way or the other."

Number 5 is a manager. And on the side, one suspects, something of a fireside orator.

Number 6 is a dealer in iron—and also in precise parsimonious opinions. He seemed very careful and conscientious about them. (Some of these portraits are a trifle sketchy, but 5 and 6 are drawn with extraordinary truth to life.)



## THE MASSES JURY

*From Art Young's Sketch-Book.*

Number 7 is a good old honest, painstaking judge and jury, whom you would respect if he condemned you to the gallows. He called himself an "agent," but he was known in the back part of the courtroom as P. T. Barnum.

Number 8 is a dealer in signs, and probably believes in them.

Number 9 is as he looks in the picture—a commercial traveller whose stock in trade is not cheek but good nature.

Number 10 is the manager of a life insurance company, a Quaker who stoutly believes in this war—his Quakerism perhaps a little bit "over-corrected," but a humane gentleman at every point.

Number 11 is a salesman, a college graduate, subject to

the draft—merry and sophisticated enough to bear up under Mr. Cobb's solemn intonation of free verse poems out of the *Masses*.

Number 12 is a "manager"—a man with brains and a jaw—like a good sputtering light in a lantern. He also could laugh.

It was not a jury that anybody would select to defend himself with after he had expressed socialistic opinions. Probably a wage-worker never yet wandered into that box. But it was, upon the whole, human. And most of us were thankful to the man who devised this extraordinary idea of having human beings, instead of exponents of justice, decide the facts in a matter of so much importance. M. E.

# The Philosopher Takes a Walk

THE philosopher was twenty-four years old but immeasurably wise. Some might have differed with the latter observation, but not the philosopher himself. He went into the street and looked at the sun. The sun bade him turn to the right; for to the right lay a long vista of street arched with glistening green leaves, under which passed an unending stream of people, each a splash of color against the white pavement and the white buildings.

As he walked he debated whether he should look at the sky, the buildings, or the people. The debate was a pure philosophical subterfuge, for he intended from the beginning to look at the people.

The first person that he saw was a girl. Before he could see her plainly, he knew that she was pretty. Also he knew that it was going to be difficult to look at her with the proper philosophical detachment. The thought filled him at once with embarrassment and ecstasy. As she approached, the situation became further complicated by the fact that she was aware, though she had not clearly seen him, that the philosopher was comely, and well worthy of a young woman's attention. And for the girl and the philosopher, as they neared one another, bravely enough, with their faces set in the convention of determined self-sufficiency, the pavement and the houses and the trees and the sun, vanished as though a genie had waved his wand (as indeed he had), and they were left alone together—twin stars in an eternity of night. So they met and passed, with the utmost good breeding, not daring to look at one another save for a single swift glance . . . and presently the sun came out of its cavern, the pavements and the houses returned, and of that meeting only a tingling memory remained, that ebbed and waned before a dozen steps had separated them.

"A pretty girl," observed the philosopher, "an arrestingly pretty girl. I wonder how many pretty women I shall meet in the next hundred?" On the whole he felt it wise to return to the strictly scientific attitude. So he clenched the fingers of both his hands where he had thrust them in the pockets of his coat, and prepared to inventory the beauty of women. He unbent the forefinger of each hand and thought, "one out of one," which meant that of one encountered, one had been beautiful. Once more her eyes, brown, level and fearless, flashed before him, and then were lost forever.

The second woman was elderly, she stooped a little, but her complexion was fresh, and her features finely chiseled. The philosopher regarded her carefully, and was on the point of rejecting her because of her age, when the bitter injustice of such an act smote him, and he admitted her. Whereupon he unbent the middle finger of each hand and thought, "two out of two."

Next came a group of shop girls, five of them, laughing noisily, brazen and secure by virtue of their numbers. One had red hair and sea blue eyes; she was chewing gum in the most obvious possible way, but she was very beautiful. The other four were sallow and plain. Perhaps they had been breadwinners longer than she. Certainly they were outside the category. "Three out of seven," observed the philosopher, and manipulated his fingers accordingly. . . .

A colored girl carrying an enormous hat box finished his score. "Eighteen out of a hundred," he whispered, and his clenched hands relaxed.

Straightway he began to reflect upon the fate of the five women in every six who are plain. For five in six it is. The philosopher knew that were he to walk the streets of the town for years to come, the ratio would not change; and were he to walk the streets of other towns the world around, still but from fifteen to twenty women in the hundred would be beautiful. The five reached their arms to him, and their plain faces were tender with longing. He saw them standing before their mirrors pleading with God that He should make them beautiful; and anon defiant and bitter when the naked mirror only gave them back the truth. He felt bowed under an intolerable weight. . . .

With a melancholy little sigh he stopped to contemplate a great black hat set against a purple background in a shop window—a very smart shop it must have been indeed with only one hat in its window—and as he gazed, a rather resplendent young woman came to a halt beside him, and also lost herself in the contemplation of the lonely hat. She was dressed in a mustard-colored suit, a rakish toque, and high white boots, the tops of which came some four inches short of meeting the mustard-colored skirt. These four inches were filled with two reasonably symmetrical cylinders of extraordinarily thin gauze silk. After a moment she turned from the window and walked on. The philosopher, a strange magnetism upon him, followed her. He looked perforce not at her boots, not at her back, not at her hat, but only at the four inches of well rounded leg. These entranced him, lured him, provoked him, and altogether bedeviled him. Strange hot emotion came swarming out of locked and secret cells. Desire possessed him like flame. Two silken legs became his world and even heaven paled before them. He hastened after them as a flower follows the sun, and then. . . .

"Damn it," said the philosopher, "this is intolerable, this is ridiculous, this is the veriest slavery. There should be a law forbidding high boots and short skirts. If she were naked I should not mind half so much. Morality, we are told, varies inversely with the volume of the dress. But these legs—clothed yet not clothed—coming out of oblivion and passing into oblivion, caught for a flashing second between nothing and nothing—I could follow them half across a world. They should be suppressed by the police." And then he fell to wondering how much abnormal sexual excitement had been caused by these legs; by all legs so clothed—so wantonly unclothed. He lost himself in the incalculable total, and so the girl turned down a side street quite unnoticed, and his mind went from sex to prostitution, to poverty, to single-tax, to Lloyd George, to Lord Northcliffe, to the London Times, to the Pope and his harrassing letter, to Labrador, to Mr. Wells, perspiring eloquently, while the ghost of his middle-class God pursued him, to Collier's Weekly, to Frank Harris, to Bernard Shaw, to Great Catherine, to Mr. Granville Barker. . . .

STUART CHASE.

## A Message to Our Readers from John Reed who has just returned from Petrograd

RUSSIA under the Workmen's and Peasants' Government is not at all what the bourgeois reporters and diplomats and business men have made America believe.

The world, fed with lies by the capitalistic press, conceives the proletarian republic as an inchoate jumble of disorganization and tyranny, where anarchists, drunken soldiers and German agents dance a destructive bacchanal.

No. As for the disorganization, that was accomplished under Nicholas the Second—who, as everybody then knew, wrecked the Russian army and the Russian system of transportation in order to bring about a separate peace with Germany; it was intensified by the bourgeois element in the Coalition Government of Kerensky, in order to wreck the Revolution. . . . The Bolsheviks inherited a ruined Russia, whose soldiers were deserting in millions, whose transportation system was in a state of dissolution—a Russia starving and exhausted. At the time of the peace treaty with Germany, Russia was not so disorganized as it had been the last two months of the Kerensky regime. There was more food in the cities, better order in the streets, and a quickening of Russian life such as had never before occurred in her history. . . . Kerensky had merely perpetuated, under the slightly-changed conditions of capitalism, the institutions of Tsardom; under the Bolshevik regime there sprang up an entirely new conception of the state—new political forms (the Soviets); new industrial organization (The Factory Shop Committees); a new educational system, from top to bottom; a new kind of national army and navy; a new agrarian scheme, and a tremendous and myriad-formed outburst of popular expression, in thousands of newspapers, books, pamphlets, in ceremonies and songs, in the theater—rich, happy and free. . . .

The "tyranny" of the Bolsheviks exists largely in the minds of interested persons who rarely if ever object to the violation of the rights of free speech and free assembly in other parts of the world. Yes, newspapers were suppressed in Russia, people were put in jail, Bolshevik commissars made illegal searches and requisitions. But it will surprise Americans to learn that *almost nobody in Russia was or is in jail because of his opinions.*

The greater number of suppressions of newspapers

resulted from their violation of the Bolshevik law making advertisements a Government monopoly; other papers were shut down for printing, in time of civil strife, lies (such as the widely-heralded rape of the Women's Regiment in the Winter Palace), which incited frantic people to bloodshed on the streets; and still others, with a small bourgeois constituency and a large endowment, were put out of business because the newspapers of the proletarian parties, with their enormous public, needed the paper and the printing shops. . . .

As for the arrests, only those persons who were proved to be involved in plots of armed counter-revolution, those who were caught grafting, those who were responsible for the dissemination of lies, and the most active members of the old Provisional Government, were imprisoned. . . . Most of the officials of the Cadet Party, for example, which was declared "enemy of the people," are still at large. The "middle" and "right" Socialist leaders, Lieber, Dan, Gotz, Tseretelli, Skobelev and Tchernov, whose opposition to the Bolsheviks went to the bitterest ends, are still (or were when I last heard from Russia) at liberty to write, plot and make speeches to huge audiences denouncing the Bolsheviks to their hearts' content. . . . Breshkovskaya is not arrested, Plechanov is not arrested, Tchaikowsky—he who rose in the Railway Workers' Convention in January and announced that the old-time Terrorist tactics against the Bolsheviks would be resorted to—is not arrested.

The stories about bloodshed are of course ridiculously false.

In the November days, ten Bolsheviks were killed in the attack on the Winter Palace, and *not one* of the defenders—who were simply disarmed and allowed to go home. In the various struggles of the next week, perhaps twenty *junkers* lost their lives. In the fighting against Kerensky, hundreds of Red Guards were killed and an insignificant number of Cosacks. In Moscow, where the fighting was bitterest, of the eight hundred that died, about five hundred and fifty were Bolsheviks. The attack on the peaceful demonstrations for the Constituent Assembly, in which several people were shot by Red Guards, aroused such a protest among the Petrograd workers that its effect was felt seriously in the elections to the Petrograd Soviet. And when a band of irresponsible madmen

killed Shingariov and Kokoshkin in prison, Lenin himself had them remorselessly hunted down and punished, with the full approval of the revolutionary masses.

One characteristic incident I remember. The bourgeois newspaper *Viek* one morning charged that certain Red Guards, instructed to take charge of its printing office by the Soviet government, had mistreated the editorial staff and stolen money from the office. The Guards involved promptly came out with a public proclamation denying the charge and invited the accusers to

prove it before a jury composed equally of partisans of the two sides, and in case of guilt being proven, offered themselves as voluntary prisoners.

In that time of violent crisis, minds reacted abnorma'ly to events. People of the maturest judgment, who would never have accepted a fact without proof in ordinary times, believed the wildest rumors on no foundation.

I remember that on the morning after the taking of the Winter Palace—at which I had been present, entering with the first troops—I was called on by a young Russian of important family, who had been private secretary to Milioukov and to Terrestchenko.

"Did you hear about the taking of the Winter Palace?" he began.

"The Bolsheviks were led by German officers," he narrated solemnly. I said I was astonished, and asked him what uniforms they had worn.

"Oh, German uniforms, of course."

"Were there any German soldiers there too?"

"Yes, about a hundred, all in uniform, too. And all the commands were given in German!"

In Moscow, where I went immediately after the battle there, I was told *on the way from the station* that the Kremlin was entirely destroyed. . . . And when I reached the Kremlin, five blocks away, there was almost no damage visible whatever!

Of course, with such rumors prevalent in Russia itself, how was America to know what was false and what true? How was America to realize that the Russian masses had set up a new and splendid frame-

work of civilization, when few foreigners even took the trouble to find out that such a thing existed?

But there is another and simpler reason for the travelers' tales which have come out of Russia these last

six months. The entire basis of society was reversed. In Petrograd, for example, people who lived in hotels could not get enough to eat, enough heat or enough light; service was bad and servants insolent; there were few cabs to drive about in, and on the railway trains a first-class ticket was no guarantee that one's compartment would not be invaded by a score of unwashed, ticketless sol-

diers who disliked the "boorjoui." . . . Everything was fearfully expensive.

But the workers in the factories, the soldiers in the barracks, the peasants in the villages got enough to eat, enough heat and light—pretty short rations, it is true, but still as much as Russians have been getting ever since the Tsar in his infinite wisdom tried to starve Russia into peace in 1916. . . . And the two-course dinner which the bourgeois traveler had to pay sixty roubles for in the Hotel d'Europe, I could get for two and a half roubles in the great communal dining hall of Smolny Institute.

This Bolshevik state—it is hard for us to understand, for it is no bourgeois parliamentary democracy, in which theoretically every man has a vote, and practically a small capitalist group rules; it is a dictatorship of the proletariat, of the unskilled, propertyless masses of the people, for the purpose of forcibly and permanently wrenching from the hands of the property-owning class the weapons of its dominance. In its resistance to this process, the Russian bourgeoisie has shown itself ready to join the Kaiser himself.

It has taught me three things:

That in the last analysis the property-owning class is loyal only to its property.

That the property-owning class will never readily compromise with the working-class.

That the masses of the workers are capable not only of great dreams, but that they have in them the power to make dreams come true.

"Two months ago," says John Reed, "at No. 6 Dvortsova Ploshod, I saw the new world born."

No. 6 Dvortsova Ploshod is the office of the Russian Foreign Affairs Department.

John Reed's story of the newest thing to come out of Russia begins on the opposite page.



# “Foreign Affairs”

By John Reed

NO. 6 *Dvortsova Ploshod*, facing the Winter Palace, once the private entrance of His Imperial Majesty's Ministry of Foreign Affairs, doubtless Sazanov and Barop Sturmer user to enter by this door, where a placard now reads:

“All employees and functionaries of the Ministry of Foreign Affairs are invited to return to work immediately. Those who refuse to obey will be dismissed and their pensions forfeited.

LEON TROTSKY,

*People's Commissar of Foreign Affairs.*”

Seal of the Central Executive Committee of the All-Russian Soviets of Workmen's and Soldiers' Deputies.

As you enter the old-time *svetzsars*, in their formal blue uniforms with brass buttons and red collars, are there to take your coat, hat and rubbers; which they do with the same obsequiousness as erstwhile to Princes, Grand Dukes and Ambassadors. Now the visitors are for the most part common soldiers and workmen, who address the *svetzsars* as “*tovariitche*—comrades,” and seem quite at home.

God knows what must be stirring in the *svetzar's* minds! Ten months ago the rule of the Little Father must have seemed eternal. Then came the Kerensky government. Things did not change much; there was a new Minister, but the staff remained more or less intact. As one *svetzar* told me, the new ones were also gentlemen. . . .” And now the great upset, and a herd of uncouth, shockingly informal persons of the lower classes, who paw over the archives with shouts of sacrilegious mirth.

There was one old *svetzar* who had served his Emperor and his country in that place for thirty-eight years, having been appointed in the good old days at the request of Prince Goltzin. . . . He said, “Thirteen years ago I stood at this door and watched the soldiers shoot down the people of Gapon in the snow. Now I take off the goloshes of the people of Gapon. . . .” Another complained that automobiles did not fit those who ride in them nowadays. . . . The *svetzsars* must sell pamphlets containing the Secret Documents to the passing public—a function which they perform reluctantly. As a rule *svetzsars* appear to have no political opinions. . . .

Upstairs the dingy corridors are peopled with lounging red-collared couriers, whose duty it was—and is—to run errands for the heads of departments. The beaten path is now between Palace Square and Smolny Institute, the seat of power; and couriers' business is with the proletariat which somehow must be obeyed. . . . The reasons for the new state of things are not very clear to the couriers, but they are practical men with families, and jobs are few. Some of them are enterprising fellows, and in the hall upstairs have rigged up a table for the selling of revolutionary literature—just as they do in Smolny; pamphlets by Lenin, Trotsky, a life of Bebel, a treatise by Spirodonova, “War and the Peasant Proletariat,” and “Songs of the Revolution.” One is ambitious and calls everybody “comrade.”

When the Bolsheviks seized the power, the administrative

and clerical force of all the ministries went on strike. Now the *tchinovniks* are crawling back. One meets them from time to time—dapper youths wearing immaculate frock-coats and a dazed expression. An unheard-of outrage of the new regime is the requirement that *tchinovniks* must actually work. . . . You can conceive the situation by imagining such an innovation among government clerks at Washington.

In the ante-room of the Minister's cabinet is a variegated crowd of Secretaries of Embassy, foreigners trying to hurry up their passports, a consul or so. If you have a Socialist red card, present it to the nervous *svetzar* at the door, who doesn't know who ought to enter and who not; you will be immediately given precedence. Within is Comrade Zalkind, a slight, quick man with an Italian face his grey hair much rumpled, dressed in an old drab half-military coat—and boots. He is Trotsky's delegate in charge of the details of the Ministry—a former political exile, holder of university degrees, speaking four languages, always smiling and very revolutionary.

Across the table from him sits *Tovaritch* Markin, his executive a stern-faced, taciturn sailor. In the background a couple of soldiers lounge, pouring tea from a battered samovar. Those naked hooks on the wall once held portraits of Imperial Ministers. By some freak Gorchakov still hangs there, orders on his breast and jewelled cross at his throat. Underneath is pinned a cheap print of the face of Bebel, and on the opposite wall Karl Marx glares down from a postcard. Over Zalkind's desk is a pretentious engraving of a painting of the world's diplomats seated round a table, at the Congress of Peking. An impious hand has pasted on the frame the legend, “*Banda Contrabandistov*”—Crew of Smugglers.

On the same floor to the right is the department of War Prisoners, very active just now. Comrade Doctor of Philosophy Mentsikovski, Commissar of the Bureau, is assailed by a horde of delegates from the prisoners' organizations. Upstairs functions disjointedly the Bureau of the Press, with an army of translators, under the erratic direction of Comrade Radek, of Austria and other places—a violent young Jew. Next door is the newly founded Department of International Propaganda, presided over by Boris Reinstein, American citizen and incorrigible mainstay of the Socialist Labor Party of the United States—an excessively mild-mannered little man who burns with a steady revolutionary ardor. Under him are formed committees of the various peoples—German, Hungarian, Roumanian, South-Slavic, English-speaking—engaged in propagating the ideas of the Russian Revolution abroad.

Between them these various departments manage to publish newspapers in three languages—German (*Die Fackel*, afterwards called *Volkerfriede*); Hungarian (*Nemzetkezi Szocialista*); and Roumanian (*Inainte*). These papers are distributed along the enemy fronts, and to the war-prisoners who speak the various languages. Besides all this, the secret documents, the decrees of the Council of Peoples' Com-

missars, and the pamphlets of Lenine and Trotsky are being translated, the articles written explaining the policies and achievements of Bolshevism, which are also thrown into various languages and published. . . . Every week the "diplomatic couriers" of the People's Commissars leave Smolney for the capitals of Europe, with trunk-loads of this material, bent on stirring up revolution.

Things are done, but why or how they are done is beyond me. The different departments are organized in the most slipshod manner, overlapping in many places, more or less ignorant of each other's activities, hampered by the saboteurs of the old regime, and crippled by the inherent Russian penchant for tea and discussion. Hundreds of people writing laboriously hundreds of documents by hand, which documents are thereupon carefully placed where nobody could possibly find them. The ancient and respectable ghost of the Bureaucracy still haunts the Foreign Office. . . .

Late in the afternoon the vague sound of chorus singing once lured me down the fourth floor corridor, beyond the last bureau, to a landing on the back stairs, where I could look through glass doors into a rich little chapel. Two wide priests were bowing and gesturing before the altar, clad in gorgeous vestments of blue brocade, stiff with silver thread. Before a score of ikons framed in jewelled gold and silver, little tapers sent thin flames straight up in the incense-heavy air. On the right wall was an elaborate memorial portrait of some dead-and-gone Excellency—perhaps a former Imperial Minister of Foreign Affairs, certain a monarchist and a *bourjoui*—with a tiny swinging lamp burning in front of him.

It was a dark day, and the only light was the warm golden glow of many candles. The sweet soprano responses to the priest's mellow bass came from an obscure corner beyond these, and for a long time I couldn't make out the choir. I crept forward, and all of a sudden I saw a collection of those devilish small boys who run errands around the building, steal cigarette butts out of the cuspidors, appropriate pencils from desks, and use bad language. . . . There they were, faces turned to heaven with a seraphic expression, crossing themselves frequently. . . .

The only worshippers were four or five dignified old *svetzsars* and couriers, and three scrub women; instead of high-born Excellencies. Perhaps nowhere was change more evident than in this corner of the old Russian world, forgotten there by the busy proletarians next door.

\* \* \*

Two months ago, at No. 6 *Dvortsova Ploshod*, I saw the new world born.

In a graceful white-and-gold room, floor littered with papers, documents stacked in corners, untidy desks with typewriters long abandoned there, twelve delegates of the German and Austrian war-prisoners came together on their own initiative, to plot revolution. There were three Hungarians—one a noble—two Croatians, two Poles, a Bohemian, a Ruthenian, and three *Reichs-Deutscher*; all International Socialists.

Seven were "intellectuals," and the other five proletarians—farmers and industrial workers. The ministry was represented by a Russian workingman. It was interesting to note the difference between the Russian and these five; he was thoroughly at ease in that aristocratic room, and in his position—while the five war prisoners entered timidly,

abashed and stood bowing respectfully to the company, shifting their big feet on the once-polished floor. Nor did they sit down until invited, and then stared solidly at the various speakers, without the faintest expression of comprehension or enthusiasm.

It was a strange-looking gathering, two of the delegates in well-tailored suits and fur coats, and all the rest in remnants of faded blue uniforms pieced out with rough odds and ends of Russian clothing. Originally few could understand each other's language, but thanks to their three years' residence here almost all now understood Russian. As I listened, there came to my mind the Grecianizing of the Roman world before the Christian era. . . .

One of the Hungarians began to speak, sitting in his chair and looking at the ground in front of him—a young man with a delicate, aristocratic head and nose, and the mouth of a poet. He spoke very quietly, simply.

"In this time when the Russian workers and soldiers are giving their lives to make the whole world of workers free," he said, "we foreign Socialists cannot sit quietly by and let them fight alone. . . . We have had enough of war, that is true. But there are crises when no man no matter how tired he is, can refuse to fight. . . . The peace terms of the Council of People's Commissars are the peace terms for which all lovers of freedom can honorably die. . . . If the governments of the Central Powers—if our Fatherlands—refuse to make peace with Russia on those terms, then we must fight our own peoples. . . ."

Upon this there was debate, one of the Germans declaring that he could not take arms against his Fatherland, and a wizened Pole pedantically expressing the opinion that war was wrong under any conditions. Another German said he would not fight his countrymen, but he would go around the prison camps and preach the Socialist propaganda. The Hungarian noble reported that ten thousand prisoners in the Moscow district had met and passed resolutions endorsing the Bolsheviki peace terms, and formed a strong Socialist organization on internationalist lines. . . . The five proletarians, being urged to speak, merely grumbled something shame-facedly and were silent.

A declaration was then read, which pledged the delegates to fight for the Bolshevik peace-terms, if necessary against their own countrymen, and if the peace terms were rejected, to issue an appeal to the German and Austrian soldiers and workers, urging them to throw down their arms, to strike in the munitions factories, to cripple the war. On the vote only two men refused to indorse the declaration—the Pole and the second German. The first German had slipped away, to spread the alarm. It seems he was an officer and a Prussian.

Only then did the five proletarians open their mouths. They said that the news of this movement had already leaked out, and that the officer prisoners were going about threatening the soldier prisoners with dire punishment at home if they had anything to do with the affair. . . . The fear of officers was evidently deeply grounded into those five simple soldiers. The Russian said thoughtfully, "Yes, comrades, we in Russian also used to be afraid of our officers. You'd better get rid of yours like we did ours."

But the great thing was that the five soldiers had come, and now they would keep on coming. One said, "I understand. We will make revolution in Germany, and then there will be no more officers and no more punishment, but only

our own country. . . ." Through the dark window I saw the round winter moon swing slowly up the great sky. The eleven men shook hands and smiled. . . .

\* \* \*

Trotsky himself rarely comes to the Foreign Offices, preferring the democratic clangor of Smolny Institute to the respectful quietude of Palace Square. On the top floor of that one-time seminary for aristocratic young ladies, the People's Commissar for Foreign Affairs has two bare rooms, one where he and his wife sleep on rude cots, the other for an office. There he sits ten or twelve hours a day laboriously writing out by hand every document, and flying into fits of nervous rage.

The door of Trozky's office is unimpressive, bearing only a placard on which the number 67 is crudely scrawled in red ink, and underneath an enamelled plaque, reminder of other times, which reads "Ladies Class." . . . Two Red Guards with bayoneted rifles sit on chairs on either side. Upon them beats a perfect typhoon of diplomatic representatives, army delegates, messengers, couriers, the curious. And also every cog in the fitful unwieldy machinery of Smolny who has a question to ask. "Trotsky knows," they say—you'd better ask Trotsky." . . .

Trotsky was at Brest-Litowsk with the peace delegation when he got news that the Roumanian authorities had arrested some Austrians on fraternizing bent and disarmed a whole division of Russian Bolshevik troops on the southwest front. He immediately telegraphed Smolny to arrest the Roumanian ambassador! Such a furor in Europe! The next day the entire diplomatic corps in Petrograd—some say nineteen plenipotentiaries, some thirty-nine—marched solemnly up to Smolny and protested, demanding the release of their Roumanian colleague. The Red Guards and soldiers

on duty, and even Lenine, it is said, believed that the nations of the world were sending their representatives en masse to recognize the Soviet government. As for Lenine himself, he was in high good humor. The diplomatic corps of Petrograd calling upon him! His Excellency of Roumania was released—and that same night an order was issued to arrest the King of Roumania, entitled to no diplomatic privileges!

Not the least irony of the situation is that the present People's Commissar for Foreign Affairs of the Russian Republic is that same Leon Trotsky who was exiled from Russia, arrested in Germany, deported from France, kicked out of Spain, imprisoned by the British in Halifax, and jailed for a German spy by the Russian Revolutionary Government. He is the son of a rich Moscow merchant named Bronstein, but it is characteristic of his uncompromising revolutionary integrity that he refused to accept money from his family to return to Russia in revolution, and would only come when the workers of France, Russia and America contributed their hard-earned pennies to buy his ticket.

To look at he is slight, of middle height, always striding somewhere. Above his high forehead is a shock of wavy black hair, his eyes behind thick glasses are dark and almost violent, and his mouth wears a perpetual sardonic expression, although I have seen him smile very gaily. His whole face narrows down to a pointed chin, accentuated by a sharp black beard; and when he stands at the tribune of the Petrograd Soviet hissing defiance to the Imperialists of the world, he gives one the impression of a snake. . . .

It has remained for Trotsky, true type of the revolution for which he is largely responsible, to deal a mortal blow to the business of international diplomacy, and to raise the class struggle to the plane of world politics.

# What the Negro is Doing for Himself

By James Weldon Johnson

THE Negro in America has passed through several well marked epochs. The first began with the landing of twenty half-naked Africans on the shores of Virginia in 1619. The second embraces the period of the Civil War and saw the Negro gain his physical freedom. The third was marked off by the adoption of the Fourteenth and Fifteenth Amendments to the Constitution, whereby he had conferred upon him the rights of American citizenship. And to-day he is passing through a fourth epoch, an epoch which began with the hurling of the German armies through Belgium, and in which must be answered more fully than ever before the question, "Can full and unlimited democracy be realized for all the people, or is the hope a mere dream?"

I shall not attempt to review these epochs historically, or to trace the course of opinion regarding the Negro from the time when it was a question as to whether or not he had a human soul and could be made susceptible to religious teaching, or whether or not he had sufficient gray matter in his brain to master the rudiments of learning and English speech, or whether or not he would revert to barbarism if given his

freedom, down to the present when it is a question as to whether or not he shall be admitted as a full member into the American group. And I shall not discuss the Negro problem academically; the very shifting of the ground of controversy concerning the race makes such a discussion unnecessary. We shall confine ourselves to the influences now at work on the Negro and to the efforts that he himself is making.

The present war set in motion a great many blind forces; that is, forces whose course was not foreseen when they were first unloosed and whose effect cannot now be controlled. The American Negro has been caught in their current and is being swept along.

A striking example of how some of these forces are operating upon the Negro is shown in the "exodus" from the South. When the war came it took out of the North thousands of men engaged in labor and in the industries, and cut off the supply normally furnished by immigration. This resulted in a steadily increasing stream of colored people from the South rushing into the North to fill the vacuum that had

been produced, and in starting a movement which is exerting a stronger influence on the status of the race than anything that has happened in its history since the adoption of the Fourteenth and Fifteenth Amendments. Heretofore, the North has given the Negro his rights as a man and citizen, but has refused to give him the opportunity to earn a living, except in the menial and precarious fields. In this attitude toward the Negro the North has been almost as cruel as the South. In the South his manhood and citizenship rights are denied him, but he is given almost unlimited opportunity to earn his bread.

So now for the first time, large numbers of colored people are able to live in the North, to secure for themselves and their children the advantages of these free states, and at the same time earn an independent livelihood. This condition will work changes not only in the economic, intellectual and social status of the race, but also in its political status. If this movement keeps up, and there are no signs at present that it will not keep up, there will eventually be cast in the states where it will count and be counted a Negro vote that will make local politicians and state politicians and even national politicians more solicitous about how the race is treated.

But not only the Negro coming into the North, but the Negro remaining in the South is being affected. The "exodus" has awakened the South to an appreciation of, at least, the economic value of its Negro population, and there is a growing public opinion that the race must be accorded better treatment. Through this movement the Negro has been able to register his first effective protest against his treatment in the South.

But the Negro is not relying solely on the forces that have been set in motion by the war. He has been seized by the spirit that has taken hold of all the submerged classes of the world. He has seen the breaking up and melting down of old ideas and conventions; he believes that something new and better is going to be moulded, and he is determined to have a hand in moulding this new thing so that it may be a little nearer to the desires of his own heart. He is attempting to do this in various ways, by individual effort, through the Negro newspapers and churches, and through local organizations. But the most effective agency that he has is the National Association for the Advancement of Colored People.

The Advancement Association is a national organization with headquarters in New York. It has more than ninety branches scattered all over the country. It has more than ten thousand members, including both races, and its membership is steadily increasing. The purpose of the Association, in a word, is to secure for the Negro all the rights and privileges to which an American citizen is entitled; in fact, to make America safe for democracy. The Advancement Association is a radical, militant organization; and the rapidity with which it is spreading shows that the Negro is realizing that there is power in numbers if united action is taken. It shows also that he has discarded the doctrine that if he is merely honest, industrious and law-abiding that some day somebody will come along and say, "Well done, thou good and faithful servant. Here are all thy rights. We clothe you in them." He is to-day realizing the truth that no submerged or oppressed class ever got a right that was worth having that it didn't have to fight to get, and also that no submerged or oppressed class ever kept a right that it didn't have to fight to keep.

This new spirit is being felt not only by the Negroes of the free states of the North but as well by those in the South. Within the past twelve months twenty branches of the Advancement Association have been organized in Southern cities, and almost as many more are now in process of being formed. These branches in the South are working and fighting for such things as better schools for colored children, better pay for colored teachers, a fairer division of the municipal benefits, equal justice in the courts, more police protection and less police persecution. The branch at Atlanta fought successfully to prevent the board of education from reducing the number of grades in the colored public schools. The branches at Savannah, Ga., and Key West, Fla., fought successfully to prevent the location of the "red-light" district in respectable colored neighborhoods in those two cities. The branch at New Orleans succeeded in putting a stop to the custom of working colored women prisoners on the streets of that city.

Perhaps there is no better illustration of the new spirit of the Negro in the South than what happened at Jacksonville, Fla. Jacksonville is a city that caters especially to Northern settlers, so it has for a long time had very good school buildings for white children. Its school buildings for colored children have been correspondingly poor. The central high and grammar school for colored children was a three-story, frame building that looked like an abandoned grain elevator. It had been erected "temporarily" after the great fire in 1901 and allowed to remain permanently. The top floor had been condemned by the fire department, so the twelve hundred children were crowded in double sessions into the other two floors. Jacksonville decided that it wanted still better schools—for white children—so the city voted a bond issue of one million dollars. When the school board gave out the tentative apportionment of this fund, it was announced that of the one million dollars, ninety thousand dollars would go for all colored schools. Let it be said that Jacksonville is a city of about 100,000, and at the last census fifty-one per cent. of the population was colored.

A committee of colored tax payers was formed and this committee drew up a petition to the board of education, setting forth the injustice of the announced apportionment and asking for a fairer division of the fund. In accordance with custom, both the committee and the petition were practically ignored. The committee then raised money, hired a lawyer, went into court and got out an injunction on the bonds. This was an entirely new method of procedure for Negroes in the South, but it got results; one of the results being that where the old, grain elevator-looking structure stood there has just been completed a modern high school building that alone cost \$140,000. Another result is that the colored men who took this action have raised themselves in the estimation of the whites.

The national body of the Association helps the branches in their local work whenever its help is needed. When the East St. Louis riots occurred the St. Louis branch immediately took steps to aid the refugees and legally protect Negroes who were charged with rioting. For this the St. Louis branch raised about three thousand dollars; the national body of the Association came to its assistance, together with the branches all over the country and many Negro fraternal and religious organizations, and contributed funds. So far, the Negroes of East St. Louis have borne the

brunt both of the mob and the law. Funds are still being raised to see that colored men accused and convicted be given every right under the law to which they are entitled, and to see that the blame for what happened at East St. Louis is not saddled on the Negro.

But the national body is principally concerned with the larger questions affecting the race as a whole. It helped in the fight in the Supreme Court on the "Grandfather Clause" Cases. It has fought the "Jim Crow" laws in the state courts, and intends to carry that fight farther since the railroads have come under Government control. It has been instrumental in defeating many laws introduced in Congress and the various legislatures, inimical to the Negro. It has upheld the rights of colored civil service employees against discrimination on account of race. Last November it won from the Supreme Court a unanimous decision declaring segregation ordinances unconstitutional. It is needless to say that if this case had been lost, Negro Ghettoes eventually would have been legally established in every city in the country with a considerable colored population. The Association also publishes *The Crisis*, a record of the darker races, a magazine edited by Dr. DuBois, and now nearing the one hundred thousand mark of circulation.

The great work that the Advancement Association has on its hands just now is that of arousing the American people to the wrong, the shame and the danger of lynching. An anti-lynching fund of ten thousand dollars has been raised and is expended in sending investigators to find out the exact facts about cases of lynching and in publishing those facts so that the country will know them. By this campaign of publicity it is hoped that a sentiment will be awakened that will demand punishment for those who are guilty of the crime. The Association has been stirred to greater efforts by the fact that in the past nine months three human beings have been tortured and then burned to death in the single state of Tennessee.

\* \* \*

The Negro has been counseled to refrain "at this time" from pressing his claim to the full rights of American citizenship. He is being told that this is not the time, to wait. These counselors seem to feel that the Negro is asking favors, that he is asking for something which belongs to somebody else. We are not heeding such counsel. America's participation in the war is based solely upon the determination to secure for the peoples of the world a larger degree of democracy; so we feel that in pressing the claim for a larger degree of democracy for the black people within the borders of the United States, we are not only not hindering the war, but acting in fullest harmony with its ultimate aims.

Yet, the Negro is not trying to take any undue advantage of the country's present crisis; he is not demanding rights under any threat expressed or implied of unwillingness to perform the corresponding duties. He is doing his part in this as he has in every other crisis that the country has passed through.

After the United States entered the war the four Negro regiments of the regular army were the first to be filled, and colored volunteers were being refused all over the country because the Government had no place for them. For a while it looked as though an element among those in power at

Washington would succeed in shutting the Negro out from all military activity in the war, except as a laborer or menial; still he stood ready to serve. For weeks, what to do with colored draftees was a problem to the Government. No provision was made for colored drafted men, no provision was made for the training of colored officers; still the Negro stood ready to serve. Here was an instance of race prejudice not only defeating common democracy, but weakening the arm of the nation when all of its strength to strike was needed. The National Association made a fight for facilities for the training of colored officers; as a result the camp at Des Moines was established and there are in the army to-day seven hundred colored officers, young men of education, intelligence and character.

These officers and a hundred thousand men of the ranks, both at the front and in camp, are bravely striving to do their full part notwithstanding restrictions and soul-trying humiliations. A few weeks ago a colored lieutenant, a graduate of Yale University and of the Sheffield Scientific School, was detailed from Camp Upton to the aviation school at Fort Sill in Oklahoma. He was furnished with Government transportation, which included Pullman car accommodations. When he crossed the Oklahoma border he was told that he would have to get out of the Pullman and go into the "car for niggers." He protested that he was an officer in the United States army and traveling under military orders; that both his railroad and Pullman tickets had been furnished by the Government. Nevertheless, he was informed that he would have to get out or he would be arrested for violating the laws of the State of Oklahoma. He refused to move, and at the next station he was taken off the train and put in jail. Later, he was fined five dollars and costs. The railroads are to-day under Government control, yet nothing was done in this case.

How colored men, under all the conditions that confront the race, can stand ready to give their lives willingly for the country must arouse some sense of wonder even in the most narrow-minded American. What sustains them has been well expressed by a Negro poet, R. C. Jamison:

THESE truly are the Brave,  
 These men who cast aside  
 Old memories, to walk the blood-stained pave  
 Of sacrifice, joining the solemn tide  
 That moves away, to suffer and to die  
 For Freedom, when their own is yet denied!  
 O Pride! O Prejudice! When they pass by,  
 Hail them, the Brave, for you now crucified!

These truly are the Free!  
 These souls that grandly rise  
 Above base dreams of vengeance for their wrongs,  
 Who march to war with visions in their eyes  
 Of Peace through Brotherhood, lifting glad songs  
 Aforetime, while they front the firing-line.  
 Stand and behold! They take the field today,  
 Shedding their blood like Him now held divine,  
 That those who mock might find a better way!

\* \* \*

This attitude of the Negro is not merely sentiment. He is going forward with his eyes wide open. He goes knowing that the country has not done him justice. He goes knowing that an element in the country intends that he never shall have justice done him. But he will do his full duty, and fling it as a challenge to the whole American people.

# INTERNATIONAL LABOR

By Alexander Trachtenberg

*The Editors wish to state that such actions as may be recorded here from time to time do not necessarily have their editorial endorsement.*

## International

The revolutionary Socialist groups adhering to the Zimmerwald Conference, with headquarters at Stockholm, have issued a manifesto addressed to the German and Austrian Socialists, exhorting them not to allow the Russian Revolution to be crushed by the German military power—calling upon them to rise against their governments and save the Socialist republic.

"German brothers and sisters!" says the manifesto, "Save your class from committing the most ignominious act of treason in the history of the human race. Don't fight against your liberators. Refuse to be the gravediggers of proletarian liberty—of the Socialist revolution. Remember your proud historic mission! Dig the grave of Capitalist War."

## Spain

Later information concerning the recent parliamentary elections confirms the election of six Socialists to the Cortes, where the Spanish Socialist Party was represented heretofore by a lone deputy, the veteran Pablo Iglesias. The most remarkable achievement was the capturing of the coveted seat for Balbao, where Indalecio Prieto was elected against a terrific campaign made by the reactionary forces.

In opening the Cortes, King Alfonso announced amnesty for all political and social offenses. This would release all the leaders of the last general strike, among whom are four Socialist deputies who were elected while in prison.

## Italy

Socialist Deputy De Giovanni has been sentenced to three months imprisonment for alleged anti-war activities. De Giovanni's crime was a remark made to a passenger on a train from Turin to Rome to the effect that the war would have been over had Italy followed the example of Russia.

## Serbia

Secretary Papovitch, of the Serbian Social-Democratic Party, and Socialist Deputy Katzlerovich, presented a memorandum to the International Socialist Bureau in which they described the brutal treatment of the Serbian people by Bulgarian and Austrian authorities. The Serbian Socialists are especially persecuted. The memorandum is concluded with the significant statement that the Bulgarian and Austro-Hungarian Social Democratic parties and party newspapers "are doing all they can to protect the Serbian population from the barbarities of the Austrian and Bulgarian officials."

## Denmark

The general elections held for Folkething (lower house) last April resulted in a victory for the Socialists. The Danish Social-Democratic Party increased its representation in Parliament from 32 to 39. Together with the Radicals, who will have 32 seats, they will have a majority over the Liberals who were in favor of Denmark's entrance into the war.

## Belgium

Two Belgian Socialist senators, Legras and Calleaux, have been sentenced to death by a German court-martial. The Dutch Socialist leader, Peter Troelstra, has appealed to Philip Scheidemann to use his influence to prevent the carrying out of the verdict.

## Norway

A mass demonstration of workers was held on March 4 in front of the Storting (Parliament) under the auspices of the Christiania Socialists. More than 5,000 men and women assembled to demand from Parliament the suspension of military training during this year in order to release the soldiers for food production.

The resolution adopted for presentation to Parliament stated that "many homes are already suffering from the scarcity of bread; moreover, the housing as well as working conditions are very unsatisfactory. Under these circumstances, we consider it a criminal offense for Parliament to continue the military training this year, with the subsequent taking away from industry of men and women so necessary in the production of food."

## Austria

German invasion of Russia and the forcible annexation of several provinces is meeting with emphatic protest on the part of Austrian Socialists. The *Arbeiter Zeitung*, the leading Socialist organ, published a statement late in April which characterizes the attitude of the Austrian Socialists.

"One thing is certain," runs the statement, "we are not going to allow Austrian blood to be shed, either now or later, to retain German conquests."

## Germany

Georg Ledebour, minority Socialist leader, spoke in the Reichstag against the peace concluded with the Ukraine. He spoke of the peace as a counter-revolutionary move. He ridiculed the statement that peace was concluded with the Ukrainian people. The Rada, he claimed, did not represent the people of Ukraine.

Ledebour said: "The working class of the whole world will yet take action in the matter. Yes, the working class of the whole world. Believe me, gentlemen, that working class has awakened. It has awakened in Germany, it has awakened in Austria, it will awaken everywhere; for the workers, the proletariat, the Socialists of the world, have no interest in annexations, no interest in the subjugation of other peoples. That this policy of subjugation and annexation must lead to ruin has

# AND SOCIALIST NEWS

dawned upon wide circles of the German working class. We have many proofs of this. Information has even reached us from military quarters that the soldiery too is highly indignant at the command to advance into Russia. Not all, of course, but the majority of the soldiery is proletarian after all, and will be of our way of thinking in time."

"The party of the workers," concluded Ledebour, amid tumult and interruptions, "now looks neither to the German government nor to any other government for the conclusion of a real peace, but to the declaration of an international strike by the masses everywhere until the victory of the proletariat is attained."

## Hungary

The workers of Budapest had in April a half-day demonstration strike in many of the important industries. All the factories were closed and the tramways ceased service. During this time the workers signed petitions demanding a new cabinet which would pledge itself to bring about universal and secret suffrage.

## Ireland

The organized labor movement of Ireland declared a one-day strike in all industries on April 22nd in protest against the proposed draft. The stoppage was general and unorganized workers joined in the mass demonstration.

## France

The Socialists of the Department of Seine (which includes Paris) adopted, at a recent convention, resolutions which proved the growing influence of the left wing or minority faction. Chief of these was a resolution against further voting of war credits, for peace by negotiation, and for the principle of self-determination of all peoples; it was adopted by a vote of 4,730, while a resolution offered by the so-called government (majority) Socialists, received only 1,470 votes. The convention also went on record denouncing three members of the party who were planning to enter the Cabinet. It also denounced the arrest of a pacifist, Helen Brion, as well as the imprisonment of Secretary Lazzari of the Italian Socialist Party.

It appears that the minority faction, led by Jean Longuet, grandson of Karl Marx, will control the coming national convention of the French Socialist Party.

## Australia

The state elections in Queensland, Australia, held last March resulted in a victory for the Labor Party. The Labor representation in state parliament is increased from 45 to 51, and the Nationalist membership reduced from 27 to 21. The Nationalist Party made its campaign on a "win-the-war" policy, and nominated soldiers for most of the seats. The military candidates were defeated even at the war front, where the soldier vote was cast overwhelmingly for the Labor candidates.

## Russia

Premier Nikolai Lenine made the following observations in explaining the acceptance of Germany's peace terms by the Russian Soviet:

"To sign a peace with German imperialists is not, objectively speaking, treason to International Socialism. When workmen are beaten in a strike and have to accept bad terms from employers, they do not betray their class because they cannot get all their demands satisfied at once. They only accept bad conditions in order to better prepare for another struggle later. . . . It is not true that the Russian Revolution is deserting Socialist comrades in England and Germany by signing a separate peace. It takes them longer to do what Russia has done because their imperial governments are stronger than the old Russian Imperial Government. Nevertheless, the material weakness of Russia forces her to recuperate for internal reconstruction."

## United States

President Wilson has commuted the prison sentence of Frank M. Ryan, former President of the International Union of Bridge and Structural Iron Workers, who was sent to Leavenworth prison January 1, 1913, with 39 other members of the union, convicted for complicity in the McNamara dynamiting conspiracy. Ryan's sentence would have expired next year. The term of the other iron workers has expired. The McNamara brothers are serving life terms in California.

The recently published membership statistics of the Socialist Party prove that the wholesale "exodus" of members asserted by a few former members of the party, has not occurred. On the contrary, the party membership has increased nearly 50 per cent. during last year. In March, 1917, the party had 74,327 members. In March, 1918, it had 101,571 members.

The spring elections in various parts of the country showed an increase in the Socialist vote.

The Wisconsin election on April 2nd attracted wide-spread attention and has proved as interesting as the mayoralty campaign in New York last Fall. Victor Berger, and the Socialist candidate for the Senate, under indictment with several other officials of the Socialist Party, received 110,487 votes, while his opponents received 163,983 and 148,923, respectively. Berger carried 11 counties and ran second in several others. The Socialist candidate for Senator in the previous election received 29,000 votes.

Of similar importance was the reelection of Daniel W. Hoan for the second term as Socialist Mayor of Milwaukee. Hoan had only one opponent and received 37,504 votes as against 35,394 for the other candidate.

The Socialists of Chicago failed to reelect Alderman Rodriguez in the 15th Ward during the municipal elections of April. The total Socialist vote, however, increased 46 per cent. It was 43,698 in 1917, and 64,216 this year.

In Kalamazoo, Mich., the Socialist Party elected three members of the Common Council. In Hartford, Conn., the Socialist vote increased 40 per cent. Two Socialist aldermen were elected in Belleville, Ill.

## Prepare to Shed Them Now

THE prompt and vigorous way in which President Wilson squashed the poisonous court martial bill suggests once more the amazing good fortune which befell this country in November, 1916. The man who was almost President would have retired behind his dignity and whiskers and allowed the American-Prussians to have their fling.

CONGRESS, unable to contribute any statesmanship to our present national crisis, has been occupying itself of late with witticisms. A thoughtful examination of these leads to the conclusion that the time-honored "As poor as a church mouse" should be changed to "As poor as a congressional joke."

WE have been withholding judgment upon Mayor Hylan of New York until we have collected quite a lot of it. With his proposal to raise the infant death rate we now confidently nominate him as the worst mayor in this or any other planet.

MAYOR THOMPSON and Mayor Smith will have loyal supporters for this honor, but Chicago and Philadelphia seem permanently doomed to take second and third place in everything.

LICHNOWSKY'S memorandum which gives away Germany's entire case as to the origin of the war, is said to have resulted in his arrest. If Diogenes ever goes to Germany in his search for an honest man he will have to look in jail.

DR. MUCK has been forced out of the Boston Symphony Orchestra, the name sauerkraut is giving way to liberty cabbage and German beer signs are coming down. When the manhood of the world are performing the supreme service, these are our childish gestures.

THE Interstate Commerce Commission scolds the New Haven Railroad for the dishonesty and recklessness which brought it to financial straits, then grants its plea for rate increase. The management is trying to bear up under this blow and keep its face straight.

IN the recent Liberty Loan drive, official publicity was both skillful and dignified. But we cannot give three cheers for that page advertisement of a private association which assured the public that the United States was as sound as John D. Rockefeller.

POSTMASTER-GENERAL BURLESON opposes granting the 15 per cent. increase of salaries of postal employees because it would cut down the department's profits. Yet Senator Sherman has denounced him as socialistic. If that word is stretched any farther it will bust.

THE Supreme Court of Arizona has decided that labor unions have the right to advertise unfair working conditions. This will bring melancholy comfort to the Danbury hatters.

SECRETARY BAKER has taken up Gutzon Borglum's charge that there has been colossal profiteering in the aircraft service. Memorandum for Mr. Baker:

IF you have profiteers to shed, prepare to shed them now.  
HOWARD BRUBAKER.

## ADVICE

AND do you truly feel surprise  
That I no longer idolize;  
That I who seemed to bow and pray  
Have smashed my gods and run away?  
You cannot think how much it pains  
To slip the ineffectual chains;  
But many others, you'll agree,  
Will wear them far more gracefully.  
So dry those forced, infrequent tears—  
Emotion always interferes  
With the manipulated grace  
Of your *svelte* hands and chiselled face.  
It takes a special sort of art  
To simulate a broken heart,  
And you should never try to act  
A part where fancy turns to fact.  
Always you should maintain that air  
Of hushed and delicate despair;  
The mood of great things to suppress  
That you first wore with such success.  
Never should you attempt again  
The role of the tragedienne,  
The worn-out rant that tries to show  
A passion you can never know.  
Be cool or dutiful or dense,  
But never try to be intense.  
Your other lures were swift and strong.  
You caught me in the snares of song;  
You put soft fetters on my feet;  
But—ere your mastery was complete—  
You tried for greater power, you sought  
To charm me in the realms of thought.  
Oh self-deluded girl, what vain  
Pride made you dare that dark domain?  
Trying to rule in that strange land,  
The sceptre trembled in your hand.  
It fell. You tottered, clung to me  
Then growing frightened, set me free.  
My dear, you should have been content  
With a more lenient government.  
You should have let your beauty go  
Down the light roadsides that you know,  
Playing an unimportant part,  
You would have held me, hand and heart.  
But no—you thought that you could bind  
My fetterless and scornful mind.

Farewell . . . Why—you look half-resigned!

Louis Untermeyer.



## IN MY ROOM

**I**N this high room, my room of quiet space,  
 Sun-yellow softened for my happiness,  
 I learn of you, Wang Wei, and of your loves.  
 Your rhythmic fisher sweet with solitude  
 Beneath a willow by the river stream;  
 Your agéd plum tree bearing lonely bloom  
 Beside the torrent's thunder; misty buds  
 Among your saplings; delicate-leaved bamboo.  
 My room is sweet because of you, Wang Wei,  
 Your tranquil and creative-fingered love  
 So many mounds of mournful years ago  
 In that cool valley where the colors lived.  
 My ceiling slopes a little like far mountains.  
 Your delicate-leaved bamboo can flourish here.

Max Eastman.

\* Wang Wei was a great Chinese painter and poet, one of the old masters under the T'ang dynasty—8th century.

## The Rights of Citizens

[*Excerpts from the Charge of Judge Augustus N. Hand to the Jury in the Masses' trial.*]

**I** DO not have to remind you that every man has the right to have such economic, philosophic or religious opinions as seem to him best, whether they be socialistic, anarchistic or atheistic, and that you should divorce yourselves from any prejudice you may have against any defendant by reason of proof of any such opinions on his part.

Each defendant has the constitutional right of freedom of speech also, unless he violates the express law which he is accused of violating, no matter how ill-timed, unsuited to your sense of propriety, or morally wrong his opinions, utterances or writings may be.

It is the constitutional right of every citizen to express his opinion about the war or the participation of the United States in it; about the desirability of peace; about the merits or demerits of the system of conscription, and about the moral rights or claims of conscientious objectors to be exempt from conscription.

It is the constitutional right of the citizen to express such opinions, even though they are opposed to the opinions or policies of the administration; and even though the expression of such opinions may unintentionally or indirectly discourage recruiting and enlistment.

It is likewise the right of any group of citizens associated together for the publication of a magazine to express such opinions in the pages of such magazine by means of articles, drawings or cartoons.

If it was the conscious purpose of the defendants to state truth as they saw it; to do this clearly and persuasively in order to lead others to see things in the same way, with the object to bring about modification, reconstruction or reshaping of national policy in accordance with what they believed right and true, and that obstruction of the recruiting and enlistment service was not their object, the jury cannot find them guilty.

## Books

**T**HIS column contains approximately six hundred words, and I must fill it—not for your edification or my vain-glory, but solely to prevent misunderstandings. Man and boy, I have occupied this here column ever since *THE LIBERATOR* was started, and if you should find here (for instance) the review by Randolph Bourne, which appears a little further on, and you didn't know it wasn't mine till you turned the page and saw the signature, you would think I had been taking advantage of my leisure to learn a lot of things of which I have been conspicuously ignorant.

Such is not the case. It was with great difficulty and no success that I tried to read something in preparation for this month's book review department. To begin with, it is inexpedient to read books of a humorous character in court. Thus I had to put off reading my copy of the Modern Library reprint of Max Beerbohm's "Zuleika Dobson," for fear I might forget and laugh out loud and perhaps be adjudged in contempt of court. And it appeared, moreover, inadvisable to be seen reading any book with a red cover. This ruled out a great many interesting books. And then there are so many things going on all the time during a trial, perhaps not so important as the truth or beauty of the work in hand, but sufficient to distract one's attention from it. I was in the midst of the most vital chapter of Gilbert Cannan's significant new novel, "The Stucco House," when the jury filed in with a verdict or something, and I had to shut the book and put it aside.

There was really no use trying to concentrate on anything—so I read scatteringly—in Dante, the Oxford Book of English Verse, and the Saturday Evening Post. But I did come across one new book to which it seems worth while to call attention. It is a play entitled "The Angel Intrudes."

It is an amusing little play, and if I were in a serious mood I would be inclined to deplore the wasting of an evidently fine intellect upon such foolery. The author of this play could do so much better things, if he only would. I am not alone in this opinion, for I have often heard it said of him—often. The one-act satire is too slight a vehicle to express adequately the author's profound thoughts on that mysterious relationship between men and women referred to in popular parlance as love.

But in my court-room mood I could not but be grateful that he had dealt in so airy a manner with this theme. He has dealt with it through the medium of a graceful comedic fantasy which enables him to appear lightheartedly amused at what must really be to him, as it is to me, a serious and almost heart-breaking matter. Poor Jimmy, recklessly introspective, brutally candid, hopelessly modern! Poor Annabelle, cursed with such a lover! And poor Angel, intruding so rashly into this situation! Here is material for true tragedy. But, hang it all, the man is funny! Yet I am told that he has his graver side, is in fact a book-reviewer, and as such signs himself

F. D.

## Dusk of the Gods

*Toward the Gulf*, by Edgar Lee Masters. \$1.50  
net. The Macmillan Co.

FROM the imposing pile of new volumes of poetry I selected the most dignified dark blue covered one and proceeded to subject it to the most severe test that I know. I ascertained, by a not too complicated problem in mathematics, the physical center of the book, turned to the poem printed there and began to read it aloud to the partner of my bills and bosom.

This is how it began:

Because thou wast most delicate,  
A woman fair for men to see,  
The earth did compass thy estate,  
Thou didst hold life and death in fee,  
And every soul did bend the knee.

I started. What hocus-pocus, I thought, was this? Had I picked up a copy of the Old Testament re-written by George Sylvester Viereck? Had a disgruntled printer played some devilish trick on the innocent firm of Macmillan & Co.? Or, with a gradual hardening of the arteries, had I been afflicted with a sudden softening of the brain? A second inspection of the cover only strengthened my suspicions. For I was reading not from an old collection of the posthumous poems of A. C. Swinburne but from a new book by Edgar Lee Masters. I gasped again and turned from "Delilah" abruptly. I turned, in fact, to the first poem in the volume—the title poem—for contrast and relief. "Toward the Gulf" began thus:

From the Cordilleran Highlands,  
From the Height of Land  
Far North.  
From the Lake of the Woods,  
From Rainy Lake,  
From Itasca's springs...

It proceeded in this vein for nearly two hundred lines more and it was dedicated to Theodore Roosevelt.... That day we read no more.

It was several weeks before I was willing to admit that the author of these staggering stanzas was the same Edgar Lee Masters that spoke to us (and for us) so simply and so searchingly less than four years ago. "Spoon River Anthology," stripping the verbiage from an over-elaborated poetry, caught us with the power of its clipped and keen accents. Its fearlessness was inspiring, its stark beauty indubitable; its vigor swept aside prejudice and precedents. Disillusioned and yet visionary; pitiless of persons and with a great pity for humanity; a brutal insistence on the sordid facts of reality clashing with an even more determined idealism—these strangely mingled qualities made the earlier volume the remarkable product that it still is. Even the brusque idiom of its author became an artistic as well as a forceful method of communication; the poems in the anthology owed much of their peculiar beauty to their brevity. The swift irony, the sharp analysis, the satirical sympathy—what became of these?

Briefly this: Masters saw "Spoon River" go into edition after edition, even into an atrocious affair with cheap and laughable illustrations by Oliver Herford; he drank the praise of John Cowper Powys, Nathan Haskell Dole, Har-

riet Monroe, and of little "groups"; he was given erudite explanations as to the metrical construction of his racy and essentially casual lines; he came to distrust those critics who hailed the work as anything less than a *Comedie Humaine*. In short, he began to take not only his art but himself with a pontifical seriousness. Turn, for proof, to the subsequent volumes. What has happened? A pedagogic attitude is assumed in "Songs and Satires"; in "The Great Valley" a pseudo-scientific learning sits heavily upon him; in "Toward the Gulf," he sinks beneath it. And the illuminating brevity? Instead of the lives that were flashed before us in "Spoon River" in less than a page, we are given turgid biographies of some four hundred lines (witness "Cato Braden" in "The Great Valley"); verbose moralizing in and on "Botanical Gardens"; twenty pages of tiresome narrative mixed with scraps of Mendelism (as in "Dr. Scudder's Clinical Lecture" in the present volume); interminable histories like "Excluded Middle," where all the familiar truths and puzzles of heredity and sex are paraded at length with a great show of discovery—in short, the platitudinous in terms of the psychological.

And the most characteristic gift of Masters—his direct and clean-cut speech? It has, except for rare moments, gone off into the old rumble and rhetoric from which he once reacted so strongly. In "Victor Rafolski on Art" the accused butler on the witness stand speaks such a bad *patois* of Shakespeare-Browning as:

You dull Goliaths clothed in coats of blue,  
Strained and half bursted by the swell of flesh,  
Topped by Gorilla-heads. You Marmoset,  
Trained scoundrel, taught to question and ensnare.  
I hate you, hate your laws and hate your courts.

In "Dialogue at Perko's," a Chicago prostitute speaks thus to her lover:

I'm going to economize my life  
By freeing it of systems which grow rich  
By using me, and for the privilege  
Bestow these gaudy clothes and perfumed bed.

Rhetoric runs amuck in this new collection even to the extent of brandishing so weirdly-fashioned and fabulous a word as "irregardless"....

But if the present volume is a falling-off from "Spoon River," it is a decided intellectual advance on the two others that preceded it. It contains fewer of the obviously lyric set-pieces that display Masters at his feeblest, less of the quasi-mediaeval ballads, and none of the attempted resuscitations and re-decorations of old Greek myths in which he is downright banal. And it does include three poems which, though unimportant as poetry, are notable as studies in character and satire. They are "The World-Saver" (a forceful portrait of Thomas Paine and a bitter arraignment of America's neglect of one of our most passionate liberators); "Bertrand and Gourgaud Talk Over Old Times" (a reminiscence of Napoleon seen as the great democrat, betrayed and broken by England because of his outspoken dream of democracy), and "Front the Ages With a Smile!" (a more direct and scornful showing up of hypocrisy and English complacency, especially as revealed through its fear and hatred of Voltaire). There are likewise fine spots in "Tomorrow Is My Birthday"; but I would care more for this frankly sexual interpretation of Shakespeare if Frank Harris

hadn't done the thing far better in prose and if Edwin Arlington Robinson (in "Ben Jonson Entertains a Man from Stratford") had not completely overshadowed it in poetry. This fragment strikes the key:

Now you see that I  
Have not grown from a central dream, but grown  
Despite a wound, and over the wound and used  
My flesh to heal my flesh. My love's a fever  
Which longed for that which nursed the malady,  
And fed on that which still preserved the ill,  
The uncertain, sickly appetite to please.  
My reason, the physician to my love,  
Angry that his prescriptions are not kept,  
Has left me.

For the greater part, the narrations are on a much lower plane. I have a queer notion that "Toward the Gulf" is Masters' last volume of poetry; that he has said all he has to say in this medium. It seems to me that this book presents the *débauché* of a poet caught in the tangle of many philosophies; and it marks the possible rise of a painfully analytic (and sometimes painfully dull) writer of short stories. In this new vein he could learn much of restraint from the edged delineations of Henry B. Fuller, or the more human and never pointedly moralistic characterizations of Robert Frost. But these are impertinent and irrelevant speculations. Mr. Masters' future is, after all, his own. Meanwhile we still have Spoon River.

LOUIS UNTERMAYER.

## A Minor Martyr

*The Record of a Quaker Conscience: Cyrus Pringle's Diary, with an introduction by Rufus M. Jones. 60 cents net. The Macmillan Company.*

WHAT has always been a matter of wonder to me, who never wholly subscribed to the validity of the religious life, has been the strengthening, the vitalizing, the unifying, the integrating power of a religious idea in the face of the manifold problems that make up life. The ordinary person, whether he be a church goer or not, faces life without any fixed measure of conduct; he faces life as a pragmatist. He says of life that it is one damned compromise after another. He is one who, if he is animated by the beauty or wonder of a certain ideal, manages in time to subordinate that ideal to the greater need for material success. He can manage the subordination of ideal to practical necessity with very little heart-burning because he easily exempts himself from blame on the ground that necessity presses down on him beyond the power of mortal resistance. Beginning in early youth just a little after the ideal first captured his imagination, he starts in on that great series of compromises between the ideal conception and the real problems of life which finally results in the reduction of the ideal conception to the level of a pious aspiration.

Some of the compromisers call themselves pragmatists; others, realists; and the politicians of this type generally are designated as Realpolitiker.

But the idealists, chief among whom are to be numbered the feeble-bodied and strong-souled religionists, go through life happy in the consciousness of the fact that they are living out their faith every day, in every action. They face

life with a simple series of commandments, "Don'ts" and taboos, and say to life, "If you shall require us to do anything which may conflict or tend to conflict with any of these fundamental rules by which it has been commanded that our lives shall be ordered, we shall refuse to co-operate with you, come what may. For the sake of keeping alive our Faith, we are ready to suffer all that the ungodly may choose to inflict upon us." It is a simple formula with which to challenge life and sets at rest all intellectual doubt and consideration. Such a faith, such a mode of conduct may have been inspired by the spirit of reverence for authority, but before it could have been carried out in life, it must have been affirmed in the conscience of the individual. Sustained in the belief that their code of conduct is ultimately right and that, in the justification of their faith in their life, they are upheld by God—a being of infinite goodness, wisdom and power—they become strengthened to the point of invincibility. So strong, that no matter how physically weak, they meet all suffering with what amounts to a joyous abandon in order that they may show God and man how strong they are in their faith.

Such a person was Cyrus Guernsey Pringle of Charlotte, Vermont, member of the Society of Friends, who was drafted for military service in the Union Army on July 13, 1863. He refused to answer the call but was forcibly enrolled. His friends, because they loved him or because their faith could not withstand the impact of solid fact, sought to buy an exemption for the young man by the payment of a \$300 commutation fine. But Pringle said "No." He apparently realized that to sanction the purchase of a substitute would be to sanction a shameful contract and that by sanctioning it, he would be proclaiming himself a coward. Even on the day he was drafted, the young Quaker devoutly offered himself to God, at the same time bewailing the cowardice of those about him. "With ardent zeal for our Faith, and the cause of our peaceable principles," he wrote, "and almost disgusted with the lukewarmness and unfaithfulness of very many who profess these, and considering how heavily slight crosses bear upon their shoulders, I felt to say, 'Here am I, Father, for thy service. As thou wilt.'"

He suffered much: his spirit was severally tested, but he held firm—whether from obstinacy or moral conviction or love of martyrdom is of little concern. He was "exposed to insult and contempt." He was the target of the venom and bitterness of men who could not understand him. He was the victim of great bodily injury. Both his sensitive spirit and his sensitive body suffered. "We were threatened great severities and even death." "He told us if we persisted in our course, death would probably follow." "I was asked to clean the gun I brought (which had forcibly been strapped to his back), and declining, was tied some two hours upon the ground." After refusing again—"Two sergeants soon called for me, and taking me a little aside, bid me lie down on my back and stretching my limbs apart, tied cords to my wrists and ankles and then to four stakes driven in the ground somewhat in the form of an X.

"I was very quiet in my mind as I lay there on the ground (soaked) with the rain of the previous day, exposed to the heat of the sun, and suffering keenly from the cords binding my wrists and straining my muscles."

In the face of all this suffering, there always recur those expressions of dependence on God, the mere thought of

which makes apparently unbearable pains bearable—makes them bearable because they are endured—so the sufferer thinks—in the service of God. “Though weak in body, I believed I found myself. THROUGH DIVINE STRENGTH, as firm in my resolution to maintain my allegiance to my Master.” “The Major tells us we are not to be tried here. Then we are to be sent into the field and who will deliver us but God?”

After being passed on from officer to officer (and after refusing to accept non-combatant service), the Friend was brought to Washington where, at the earnest solicitation of a number of influential Quakers, President Lincoln commanded the unwilling Stanton to immediately release Cyrus Pringle.

“As a scientific test,” writes J. W. in the *Saturday Call* (“J. W.” is evidently Joshua Wanhope), “we should like to see a Cyrus Pringle attempt this sort of thing in Germany.” So would I. J. W. continues: “We (meaning himself), should back the German drill masters against Providence any day in that case.” I will wager on Providence. At all events President Lincoln showed the fineness of his nature in the way in which he dealt with the conscientious objector. “For those appealing to me on conscientious grounds,” he wrote to Elizabeth P. Gurney, a Quakeress, in the autumn of 1864, “I have done and shall do the best I could and can, in my own conscience, under my oath to the law.”

President Lincoln recognized that if “the free spirit” was under the compulsion to “take its stand and claim its God-given distinction,” it was a matter of justice to consider the claims of that free spirit. President Wilson, between whom and Lincoln there is said to be a strong spiritual bond, in his desire to unify the radicals of this country in the prosecution of the war, has given further proof of his essential democratic purpose by his order concerning conscientious objectors.

HARRY P. SALTPETER.

## The Cult of Convention

*The Contemporary Literature, by Stuart P. Sherman. \$1.50 net. Henry Holt & Co.*

IF you come to Mr. Sherman's book slightly prejudiced because you have read some of the essays in *The Nation*, you are likely to be mollified by a slap, on the very first page of the Introduction, at “courageous philosophers like Professor Dewey who boldly proclaim that they abandon their goodness when it stands in the way of those who manipulate events.” Further on you are pleased to discover that Mr. Sherman writes “under the impression that we are living to-day in the worst of all possible worlds.” You do not follow the logic perhaps which scolds a professor for his pragmatism when he has actually accepted that most colossal of absolutes—war and its attendant conscription of youth. You are a little surprised to find that a war which has produced an orgy of self-sacrifice and duty, comparable only to the wars of the Moslems, should be ascribed to a loose, modern naturalistic philosophy which has refused to renounce or check desire—which has “made lust and law alike in her decree.” You wonder at a mind that can ascribe this ever-frightening military-industrial era in which we

have grown up and which now reveals its true nature in the apotheosis of war, to the disintegrating influence of that libertine, Rousseau. But you recognize in Mr. Sherman a mind which is honestly trying to think things out, which has not surrendered to the entire war-philosophy, and which sees literature and life out of focus only because it starts with an incorrigible prepossession of moralism that constantly confuses artistic values with Mr. Sherman's standards of personal rectitude.

Contemporary literature, as represented by the works of Wells, Dreiser, George Moore, Synge, Anatole France, etc., is initiated by the determination to repudiate all standards, teach one's conscience to trot in the rut of events, and adopt the laws of the physical universe for the moral regimen of man. Those old standards of right reason to which we should vigorously subject our treacherous individual sensibilities, have been overthrown and man's impulses are now a law unto themselves. The return to nature has meant a return to the jungle where men and women behave in accord not with the laws of human but of animal conduct. This “naturalism” is utopian and sociological in Wells, barbaric in Dreiser, decadently aesthetic in Moore, chillingly skeptical in Anatole France. Arnold Bennett and Shakespeare are the only “contemporaries” who can be saved for the old “realism” which believes that the great principles, spiritual and moral, remain intact. Mr. Bennett, in particular, satisfies Mr. Sherman's thirst for a “respectable theory of human conduct,” and a picture of developing character in relation to a society which is also developing. The decent theory of human conduct being established, Mr. Sherman proceeds to endow Mr. Bennett's novels with “an artistic representation of life remarkable for its fullness, its energy, its gusto, its pathos, its play of tragic and comic lights, its dramatic clashes, its catastrophes, and its reconciliations.” He does scarcely more for Shakespeare, being at great pains to prove that he was a good man, and summing him up as one who “dwelt habitually in that cleared and settled and spacious region of consciousness in which a man's thinking is right and his feelings are sure, in which the elementary human values are fixed, in which truth and goodness and beauty remain the same from age to age.”

Now I should not object to this sort of thing if Mr. Sherman were a professor of ethics. Having expressed his preference for the life lived in and through the conventions, he might then examine contemporary literature for the moralities contained therein. But he purports to be a professor of literature and his book to be literary criticism. And the concern of the literary critic is with the writer as literary artist, at least as much as it is with the writer as thinker or citizen. But in Mr. Sherman the artist comes in only as corollary to the man behind the art. Does our writer conform to the principles of domestic rectitude, and are his ideas sound and wholesome? Then we may open the gates of our feelings and let aesthetic appreciation stream in upon us. So Mr. Bennett gets first prize for art, and George Moore, who has a personality “compact of nearly everything that is detestable to the mind of a plain citizen going about his business in the marketplace,” is only “a pretty writer.”

If you have an artistic conscience, does it not begin to writhe at this point? Not a word about the delicious English of “The Book Kerith,” the softly brushing irony, the romantic re-creation of that Palestine life! But much about the soft, sentimental pseudo-pantheism of Mr. Moore, the

sex-interest of Jesus' puppies, Mr. Moore's inadequate handling of the great doctrines of the church. In other words, Mr. Sherman gives us in great detail his personal detestation of a writer's life, his mind and his moral influence, and asks us to accept this irrelevance as literary criticism. I balk. I may admit that I would probably get along better with Clayhanger and Hilda than I would with the members of a traveling light opera company. But much as I like the lucid, engaging, pertinent quality of Bennett's best work, is this to keep us from recognizing in "A Mummer's Wife" a convincing and moving representation of lives such as my candor compels me to admit is also lived on this earth?

It is Mr. Sherman's fierce intolerance that shocks the artistic conscience. The younger generation may be as cruel as he thinks it is towards its elders, but at least this cruelty is in the interest of artistic vision, a sense of widening life, while Mr. Sherman's vigor is all in the interest of excluding from the field of art everything that is not improving and of good repute. Has there ever been a writer who combined so sophisticated a style with so provincial an outlook? Mr. Sherman is always good reading. His depreciations are particularly entertaining. He pinches and nips if he does not burn, and his acid characterizations pour out with a brilliance that almost remind you of Rebecca West. Like his opinion of "Huckleberry Finn," the essays on Dreiser and Moore are "almost entirely delightful." He has the professional fund of allusion and reference, a bold assurance, and an extraordinary dialectical power. His papers are models of form. Your intellect is charmed by the neat antitheses and moulds of the argument. And what are all these gifts used for? To convey a "message" such as you might hear from a Baptist preacher who viewed with alarm the libertine tendencies of the fiction of to-day. And the preacher at least would not exasperate you by using a style of a contemporary cosmopolitan critic to glorify his homely cult of conventionality.

It is his manner, I suppose, that makes us take Mr. Sherman so seriously. Certainly he is the most brilliant of that dwindling crew of "humanistic" defenders—the W. C. Brownells, Paul Elmer Mores and Irving Babbitts—who have so effectually slain "humanism" through their own artistic barbarisms. But his very exasperation betrays a mind not at all easy in Zion. In spite of his cult of conventionality, he has the air of potential originality. He seems too intelligent to be entirely conventional, and yet too moral not to be. You will find the clue in his paper on "The Complacent Toryism of Alfred Austin." On this poor old man, every line of whose work is an adequate self-satire which needs no commentators, Mr. Sherman lavishes pages of scorn. He revels gleefully in the absurdities of Mr. Austin's snobbery, patriarchal prejudices, love of his ancient, unaltered Motherland, etc. Find a conservative, in other words, of sufficiently monstrous a type and even Mr. Sherman will laugh at it, almost with the same delight that he gets out of Rebecca West. Reduce the type to normal proportions and Mr. Sherman's sense of humor vanishes. He does not see that his satisfaction with Arnold Bennett's "How to Live on Twenty-four Hours a Day," his disgust at Dreiser's carelessness about "domestic rectitude," his chiding of Mark Twain for "infractions of the laws of taste," his plea for what is sanely and wholesomely American, seem almost as gleeful to us as his sense of the absurdity of

Austin. That bourgeois social order in which Mr. Sherman rests so contentedly is just as distasteful to us, and far more demoralizing, than Tory England. Why does Mr. Sherman despise the one and cleave unto the other? Yet if he is contented, he is scarcely complacent. There must be an unconscious fear that he might be classed with the Austins, and his demolition of the Poet Laureate is his defense. On his first page he shows how sensitive he is to the charge of being a "besotted Victorian." The paper on Austin does not "give color to the charge"; he has fooled himself there. It is a plea in avoidance. It is the one touch that makes one think that he may yet be saved to the younger generation who need his wit and pugnacity and formal skilfulness.

But there is still that deadly philosophy of his. In all this talk of renunciation, of God as the spirit that denies, of the treachery of Nature, does he realize the implications? What sins of the flesh, what jungle-instincts, have Mr. Sherman and his very much older friends been contending with all their lives to have built up this insistent, never faltering philosophy of inhibition? What looseness and lewdness are we all to be saved from under their steely guidance? Mr. More believes that "the rights of property are more sacred than the rights of man." Can Mr. Sherman blame us if, impersonating God, the younger generation itself denies and repudiates any such "humanism"? The truth is, Mr. Sherman's ethics are as defective as his aesthetics. There are not only the two orders—the jungle anarchy of impulse, and the organized rationality of conventional institutions and taboos. It is exactly the discovery of this younger generation that convention is no more rational than the jungle, that the human herd, capitalized into an institution, is no less cruel than the predatory individual. The plane of the conventions is not a personal plane at all. The intelligent, veritably humanistic, personal plane can only be reached by transcending both the animal and the institutional. In other words, personality is a struggle against both raw "Nature" and that organized society in which Mr. Sherman so bravely takes his stand. That is why these conventional humanists seem so lifeless and inhumane. Having closed the gates against Nature, they sink back into an acceptance of the coercions of the herd, glorifying them in the name of order and of wholesomeness. They have not made that audacious advance of personality. Well, order is order, and "domestic rectitude" is certainly not synonymous with prostitution, but the creative values felt by that younger generation whose menace Mr. Sherman feels so keenly lie in other realms. Nobody objects to checking nature, but it is our profound dissatisfaction with convention as a substitute that motivates our modern restlessness. Mr. Sherman cannot understand an attitude which, finding "Nature" and "society" equally irrational and crude, sets to work to understand the mechanisms of both, in order to manipulate them into some satisfactory personal experience. This is the modern enterprise. Perhaps he will never understand it. On the polite plain of Champaign-Urbana, there are doubtless few spiritual adventures to be had, and few intellectual caperings permitted. Beauty is accessible only in the Victorian poets, and pictures of Greek sculpture. Modern novels make the local clergy nervous, and the fiercer currents of life collide with a moral lynch-law. Convention is probably the best you can get. It would be fatuous to expect more.

RANDOLPH BOURNE.

# Newspaper-itis!

*A Mental Habit that Stunts the Lives of Millions of Americans*

MANY of my friends think that what I have done is quite remarkable. But I know that any person with native intelligence can do the same. I relate my experience because it may be of help to readers of the *Liberator*, who—in their moments of introspection—may realize, as I did, how narrowing and stunting is that insidious American disease, newspaper-itis!

Let me say in the beginning, that I have no prejudice against newspapers—I buy two each day, morning and evening. But I have learned to discriminate between *news* and *gossip*.

*A few days ago twenty-two families were driven out of an apartment building by a fire which started in the basement.*

Tens of thousands of people read that item. Why? What did it benefit them to know about it? Could they use that knowledge in their business? Could they use it in their social lives? Did it in any way broaden their outlook on life? No! It was read because the average American is suffering from "newspaper-itis." In the same newspaper I counted 176 separate news items just as unimportant as the above! And this is the kind of stuff with which we feed our brains every morning and evening! Is it any wonder that Europeans are amazed at the lack of culture in America? *Is it any wonder that they call us "newspaper fiends"?*

NO one questions the value and service rendered by newspapers. But a newspaper must be read with an *object* in view. Usually all the real, vital news of the day can be read in a few minutes. This is proved by the fact that *newspaper editors* summarize all the important happenings of the day in two or three columns of editorials!

For a great many years I, too, was a "newspaper slave." Every morning at the breakfast table I waded through my newspaper. On my way to work, at lunch and in the evening, newspapers occupied practically every spare moment I had. There wasn't a fire, a divorce, or an accident I didn't know all about. I could argue with any one about the day's occurrences. But my conversation was inane, and I soon became looked upon as a plain male gossip. In business, too, I was a nobody among my associates, because my power of thought was confined to the insignificant daily occurrences which mean nothing.

I realized vaguely what was the matter with myself. For years I was haunted with the thought that I lacked *education*—not necessarily a college training, but the sort of knowledge that would broaden me mentally, that would make me a bigger man, that would enable me to listen understandingly, talk interestingly and intelligently.

One evening, on my way home from work, a friend who was seated beside me, reached into his pocket and brought forth a little limp leather book. I myself, as usual, was reading a newspaper. I had never thought of reading a book to and from work, because the ordinary book is too large and unwieldy to carry around. I asked my friend where he secured his little leather book, and he told me the name of the publishers.

THAT was the beginning of a change that was a veritable revolution in my life. In the evening I wrote a letter, and by return mail I received a list of the small limp leather volumes in this edition. Many of the titles I recognized as ones I had always wished to read. I sent for a few of the books at once, and they were exactly what I wanted. From that time on, instead of wasting my time in profitless reading, I began to devote myself to these great works. At home—in the street cars—everywhere—whenever I had a few spare moments, I read a story, a poem, a play, or an essay. The books were small enough to carry in the pocket, and I had one with me always; sometimes when I went on trips for my firm, I used to carry half a dozen with me.

Do not misunderstand me. I did not pore through anything uninteresting to gain an empty "culture." I read because I was fascinated. I began to understand that the great books of the past are not called classics just because they appeal to a few professors and "highbrows," but because they have charmed

and inspired millions of plain men and women like myself. I read because I could not tear myself away. I began to see why present-day writers themselves call these greater men "masters." I became imbued with ideals of life that had been a closed book. Great characters in novels, which were bywords to educated people, great poems and essays I had heard of but never read, became familiar to me.

In an amazingly short time I was a fairly well-read man. The range of my reading astonished even myself. I had become thoroughly familiar with some of the best writings of all time, and I did this by saving the minutes I used to spend in reading newspaper gossip.

THE change in my life was marked, both from a social and practical point of view. No longer was I embarrassed in the company of my educated friends. I found I was as well read as they. No longer did I feel a secret embarrassment and wish myself miles off when they discussed subjects of which I had been ignorant. My opinions and ideas now seemed as clear-cut as theirs. I could express myself. I could talk about something else than fires, murders accidents and tittle-tattle. I no longer had to preface my remarks with "I see by the papers." My social life was revolutionized. More important, my inner life was revolutionized. I had stumbled by chance into a world that was dark to me before, a world now opened up by the greatest minds that perhaps have ever been on this earth. And I prospered in business, incidentally. Whenever I meet a man he listens to me because I have something to say.

I philosophize often about these books and their authors. I look back and realize how much of this Great Show of life I would have missed had I not become acquainted with them. They present aspects of life far beyond the humdrum existence of most of us. They have opened my eyes—they have opened the eyes of millions of men like me—to the tragedy and the glory of life, to its humor and to its pain, to its mystery—and to its meaning. I have broken my newspaper habit by substituting something *worth while*.—M. B. S.

THE name of the writer of this interesting and eloquent confession will gladly be given upon request. The publishers of the Little Leather Library—for that is the edition he refers to—have published these leather-bound masterpieces for men and women like him, so that they can read profitably in spare time. Fifteen minutes a day, usually spent reading newspaper gossip, will within a short time give any person a liberal education in literature. In publishing these works in such form that they may be easily carried around, a genuine need has been filled. This is shown by the fact that nearly two million of these little volumes have been bought by the American public.

The sixty books, each one bound in leather, are published at a price within the reach of any purse—30c a volume, postpaid.

These handy little volumes have also proved ideally suitable for soldiers. They are carried in the pockets into the trenches, where the boys need books as much as they need tobacco, to keep them from brooding over their hardships.

FEW of us yet realize how greatly our friends "at the front" need books. Do you know that General Pershing, when he had been abroad but a few weeks, cabled urgently for books? More than that, this need has proved so vital that he has ordered that 50 tons of shipping space a month be set aside for books alone. Is your boy—your son, your brother, your friend—supplied with books? He will need them—badly! He will need them for the long journey overseas; for the wearisome train journeys in France; in the hospital if he ever happens to be wounded; and, more than anywhere else, in the trenches, where boredom sickens the soul!

The American Library Association, acting on General Pershing's appeal, has issued a nation-wide call

for looks for soldiers and sailors. We are glad to help in this work, and the following offer should help:

If you purchase 10 of our Little Leather Library volumes—and you can surely find among them ten that you have always wanted to read—we will give you in addition a Kit Box containing five books bound in a special "fabricated leather," which can be sent to someone in the army or navy. If you know no one to whom to send them, take them to your nearest library, which will forward them to the boys abroad.

Immediate action is advised, if you care to take advantage of this offer. We have quite a large number of Kit Boxes which will be donated in this way; but this offer is an unusual one, and we reserve the right to return the money of any person responding to this notice, should this supply of Kit Boxes be exhausted.

References, *The Liberator*, or any other magazine in the United States or Canada. Little Leather Library, Dept. 2, 44 East 23d Street, New York.

## List of Titles - 30c. each, Postpaid

NOTE: The Little Leather Library is bound in genuine sheepskin. With each 10 books purchased, we will give free a Soldier's Kit Box, containing five of our books bound in "fabricated leather." Use coupon below.

- |                                  |                                     |
|----------------------------------|-------------------------------------|
| 10 Rubaiyat of Omar Khayyam      | 26 Sonnets from the Portuguese      |
| 39 Socialism for Millionaires    | <i>Elizabeth Browning</i>           |
| <i>G. Bernard Shaw</i>           | 28 Alice in Wonderland              |
| 40 On Going to Church            | <i>land Lewis Carroll</i>           |
| <i>G. Bernard Shaw</i>           | 29 A Child's Garden of Verses       |
| 20 A Doll's House                | <i>Robert Louis Stevenson</i>       |
| <i>Henrik Ibsen</i>              | 30 Comtesse de Saint Geran          |
| 35 Ghosts                        | <i>Alexandre Dumas</i>              |
| <i>Henrik Ibsen</i>              | 31 Fairy Tales                      |
| 5 Short Stories                  | <i>Hans Andersen</i>                |
| <i>de Maupassant</i>             | 32 Bab Ballads                      |
| 22 Ballad of Reading Gaol        | <i>W. S. Gilbert</i>                |
| <i>Oscar Wilde</i>               | 33 Mother Goose                     |
| 23 Pelleas and Melisande         | Rhymes                              |
| <i>Materlinck</i>                | 34 Hiawatha                         |
| 25 The Bear Hunt                 | <i>Henry W. Longfellow</i>          |
| <i>Tolstoy</i>                   | 36 Idylls of the King               |
| 59 Mumu                          | Vol. I.                             |
| <i>Ivan Turgenev</i>             | <i>Alfred Lord Tennyson</i>         |
| 55 Finest Story in the World     | 37 Idylls of the King               |
| <i>Kipling</i>                   | Vol. II.                            |
| 2 Essays                         | <i>Alfred Lord Tennyson</i>         |
| <i>Emerson</i>                   | 38 Friendship, and Other Essays     |
| 47 Uses of Great Men             | <i>Henry Thoreau</i>                |
| <i>Emerson</i>                   | 41 Through the Looking Glass        |
| 3. Dreams                        | <i>Lewis Carroll</i>                |
| <i>Oliver Schreiner</i>          | 42 Memories of President Lincoln    |
| 50 A Dream of John Ball          | <i>Walt Whitman</i>                 |
| <i>Wm. Morris</i>                | 43 Othello                          |
| 1 Christmas Carol                | <i>Shakespeare</i>                  |
| <i>Dickens</i>                   | 44 As You Like It                   |
| 3 Barrack Room Ballads           | <i>Shakespeare</i>                  |
| <i>Kipling</i>                   | 45 Midsummer Night's Dream          |
| 4 Without Benefit of Clergy      | <i>Shakespeare</i>                  |
| <i>Kipling</i>                   | 46 The Ancient Mariner              |
| 6 Tales from the Arabian Nights  | <i>Samuel T. Coleridge</i>          |
| 7 Dr. Jekyll and Mr. Hyde        | 48 Inferno                          |
| <i>Robert Louis Stevenson</i>    | 49 Speeches and Letters             |
| 8 Fifty Best Poems of England    | <i>George Washington</i>            |
| 9 Fifty Best Poems of America    | 51 Poems                            |
| <i>Shakespeare</i>               | <i>Robert Burns</i>                 |
| 11 Hamlet                        | 52 Carmen                           |
| <i>Shakespeare</i>               | <i>Prosper Merimee</i>              |
| 12 King Lear                     | 53 Confessions of an Opium Eater    |
| <i>Shakespeare</i>               | <i>De Quincey</i>                   |
| 13 Macbeth                       | 54 The Raven and Other Poems        |
| <i>Shakespeare</i>               | <i>Edgar Allan Poe</i>              |
| 14 Merchant of Venice            | 56 Words of Jesus                   |
| <i>Shakespeare</i>               | 57 A Tillyloss Scandal              |
| 15 Romeo and Juliet              | <i>James M. Barrie</i>              |
| <i>Shakespeare</i>               | 58 Poems                            |
| 16 Julius Caesar                 | <i>Robert Browning</i>              |
| <i>Shakespeare</i>               | 60 The Last Days of a Condemned Man |
| 17 Sonnets                       | <i>Victor Hugo</i>                  |
| <i>Shakespeare</i>               |                                     |
| 18 Rip Van Winkle                |                                     |
| <i>Irving</i>                    |                                     |
| 19 Sherlock Holmes               |                                     |
| <i>Doyle</i>                     |                                     |
| 21 The Murders in the Rue Morgue |                                     |
| <i>Edgar Allan Poe</i>           |                                     |
| 24 Speeches and Addresses        |                                     |
| <i>Abraham Lincoln</i>           |                                     |

LITTLE LEATHER LIBRARY, Dept. 85, 44 East 23d St., New York City

Please send me, postage prepaid, the books checked above, for which I enclose \$..... It is understood that my money will be refunded if I am not completely satisfied.

Name .....

Address .....

Since I have ordered 10 books, send me a Soldier's Kit Box, containing the following 5 books, bound in fabricated leather.

Order by number .....

# GLIMPSSES

## WHEELS

THERE was an old man bending down  
 Over the ash-heap of a town—  
 "That wheel," he said, "was beautiful,  
 Turning to the horse's pull,  
 It was made in splendid fire,  
 Shaped like the end of all desire;  
 Knowing people still can see  
 What its beauty used to be  
 When it rolled about the town  
 Going up and going down,  
 Part of earth and part of man,  
 Part of the early potent plan—  
 And there's wonders in all things,  
 Ax-hafts, boards, and barrel-rings,  
 Spikes and tins and tinsel, hurled  
 On this dung-hill of a world."

MORRIS GILBERT.

### The (Printed) Play's the Thing

IN SPITE of the enthusiastic activities of all our "little" theatres, I am convinced that no play ever produced was half as enjoyable on the stage as in the library. I do not mean a Ziegfeld review, a patriotic thriller or a tear-squeezer about a boy's mother—but a genuine play, a thing of intellectual passion. The place for such a performance is between boards rather than on them. Go back, as Prof. Sherman would like us to do, to Shakespeare. One can, in the seclusion of the study, skip blithely over the dull places and let the sonorous music sing itself in one's private ear, uninterrupted by the asthmatic gentleman on our right and the ardent quotation-discoverer on our left. There is no bellowing and sawing of the air as when an educational actor lingers over a purple patch in an effort to combine the graces of Oscar Wilde and the more or less reverend Billy Sunday... Or turn to Shaw. Who would exchange the scintillant satire of an evening with "Man and Superman" in the Brentano edition with an evening of it at some theatre—where an emasculated version of the play is tortured by a manager who wants "effects" and a plain-faced actress with adenoids. The reader's mind gives any play a better outfit than all the star casts ever assembled, better scenery than Urban and Jones, better attention than Mrs. Fiske ever received from a slightly deaf man in the fourteenth row.

These platitudinous observations, which I have maintained ever since 1882, were prompted by a reading of Philip Moeller's "Madame Sand" in M. Knopf's pleasant format. It is not surprising that this comedy in caricature is far more subtle and dextrous in this published form than in the acted drama. The third act, for instance, achieves an amazing penetration and poetry instead of being made silly by a monotony of unpleasant voices and practically ruined by a wooden Chopin, an impersonation not of a piano player but of a piano-tuner. The entire play is similarly improved. It is not only a finer but an entirely different piece of work.

L. U.

### Will He Come Back?

THE QUESTION is neither a rhetorical one nor does it refer to Theodore Roosevelt. It is the title of a brief one-act play by Felix

Grendon and my remarks about printed plays reminded me that, though the skit was published in 1916, none of our adventurous "younger men of the theatre" have given it as much as a hearing. And yet it is precisely the sort of sly, humorously probing satire that the Washington Square or The Provincetown Players might put on with success. I call particular attention to the Shavian epilogue that is the little book's brightest feature—a letter from one of the author's indignant characters protesting at her creator's male stupidity. L. U.

From Harriet Monroe

### DEAR MR. DELL:

In re Mr. Lindsay and that prize. No wonder your memory tangled up those prizes! Poetry gave two prizes that year, its first. One—of \$250—was awarded to William Butler Yeats, who did indeed turn over four-fifths of it to Ezra Pound, retaining \$50 to order a book-plate from his friend, Sturge Moore, as a souvenir of the wealth refused. The other prize—of \$100—was awarded to Mr. Lindsay for "General Booth," whose publication in our fourth number had given us the honor of his first public appearance as a poet.

But you were ahead of us as a "discoverer," for it was your remarks about the vagabondish Nichols in the Chicago Post which had first informed me of his existence, and caused me to write and ask for a look at his poems.

Two years later we gave him another laurel leaf—the Levinson Prize of \$200—for "The Chinese Nightingale."

Congratulations on the auspicious beginning of THE LIBERATOR. May it live long and—shall I say prosper, remembering what prosperity can do? Anyway, I am,

Yours for Freedom,

HARRIET MONROE.

Chicago, Ill.

### THE VETERAN

IT was in the subway—about midnight—  
 She was a bulky woman with stolid face of  
 pasty-white,  
 Murky blue eyes that said nothing  
 And thin tight lips that told all things.  
 Upon her left arm  
 There rested the sleeping head of a boy of  
 ten—  
 Her right arm  
 Lay guardingly upon the knee of her husband—  
 A clean-skinned young man in khaki.—  
 Caught, too, in the coaxing embrace of a  
 quiet untroubled slumber.

The limp head  
 Lurched suddenly to one side  
 And lay drooping in pathetic helplessness—  
 Softly, deftly, she straightened him out  
 But in that revelatory moment  
 The shadow of a contemptuous pity  
 Darkened the corners of her thin tight lips.

MAX ENDICOFF.

### Limehouse in Verse

THOSE WHO thrilled with the discovery of Thomas Burke's "Limehouse Nights" will be almost equally moved by his poems—a little collection of which has been brought over by Robert McBride & Co., called "London Lamps." The same blend of beauty and brutality that we found in his prose is in many of these stanzas; the same brilliant color, piercing ugliness and poignant sympathy. Witness such poems as "In Marybone," "Piccadilly," the rollicking pseudo-chanty of "At Shadwell," the etching of "West India Dock

**THE NEW ART OF DRESS**

An intelligent wardrobe has at last been perfected for the intelligent American woman. An illustrated booklet will be sent you on request.

"The artist evokes the charm of appearance as the lover evokes the charm of emotion."

**BERTHA HOLLEY,**  
 21 East 49th Street,  
 New York

The pupils of

**ANTON HELLMANN'S CLASSES**

in interior decoration are going to have an exhibition of their work on the afternoons of June 7, 8 and 9, from 2 to 5 o'clock, at the studio, 17 West 8th Street. Mr. Hellmann will welcome anyone who is interested in the work.

The studies will be continued through the summer and pupils may enter at any time.

**City Dust - - \$1.00**  
 and  
**I Build My House, \$1.25**

Books of Verse by  
**JANE BURR**  
 The Poet of the People.

H. G. Wells says: "I like you and your verse. There is only one Jane Burr."  
 E. Temple Thurston says: "Your verse is appealing and constitutes the beginning of a friendship between congenial minds."  
 Margaret Sangster, Jr., says: "Your work has the heavy stamp of my approval."

Order Through **LIBERATOR BOOK SHOP**

**THE RED HEN FARM**

An unusual summer boarding house in the Kittatinny Mountains of Northern New Jersey.

For particulars apply to **C. F. KELLEY, R. R. 5, NEWTON, N. J.** References: Henrietta Rodman, 82 Washington Place, N. Y. City; Frances Bjorkman, 226 Fifth Avenue, N. Y. City; Edna Kenton, care The Seven Arts Magazine, 132 Madison Ave., N. Y. City.

Tel. Plaza 5096 Tel. Mad. Sq. 6928

**S. HALPERN**  
 Artists' Materials  
 and Picture Frames

510 PARK AVENUE Bet. 59th & 60th Sts. 3 E. 30th STREET Near 5th Ave.

# Only One Man Kicked

when the name of the "Western Comrade" was changed. He thought it was a good snappy name and we ought to keep it. We thought it was sectional, so we decided to make it the

# Internationalist

and that is what it became in May. Most of the people like the new name, commend the change, say it is entering a bigger field, and are good enough to call it the "best magazine for Socialism in America."

We want your opinion and if you'll ask us, we'll send you a sample copy—free. Then we want you to write us what you think of the articles by Job Hariman, Kiang Kang Hu and others, and such articles as "What Is the Outlook for a United States of the World?" "National Non-Resistance," "The Story of American Socialism," and "What Esperanto Means to the World."

*Please Write Today*

**Llano Publications**  
Stables, Louisiana

# G L I M P S E S

(Continued from page 41.)

Road." Here is the first verse of what looks like an echo of "Gina of Chinatown":

Pearl is the music-hall and dim,  
And many fetid faces swim  
Cloudily o'er the gallery's rim,  
Little Twinkletoes.  
And rag-time choruses resound;  
For raffish joy is always found  
With beer and whisky going round,—  
Little Twinkletoes.

Or observe the quiet and haunting picture in the poem entitled "Paddington":

Deep in a dusk of lilac the station lies  
Vasty and echo-haunted and fiercely made;  
Speared all about with suns where the arches rise,  
Leaping on lusty limbs over pools of shade.  
Oh, lovely are her lean lines, and lovely her poise,  
Empanoplying the long, dim frenzy of noise.

But her most beauty she holds until the night,  
Even as Love, until the brute day be ended;  
When all her thousand eyes in a tempest of light  
Shatter the cathedral gloom, and show her splendid,—  
Splendid we know her, and ever splendid she stands;  
Clean from the splendid sweat of human hands.

Such lovely details illuminate this volume of which (thanks to an errant torpedo) there are only a few copies in this country.

L. U.

## CONSTRAINED

**I CAN find freedom from many things—  
From dragging pain,  
From clutching fear,  
And from the styptic hate that dries the soul.  
But never yet have I found release  
From Beauty—**

**From quick delight in sunbeams athwart a shaken prism  
Or in the lingering echoes of a smitten string;  
From the wonder of gleaming bodies,  
And the mystery of souls . . . . .**

**And today I have left my heart ensnared  
In the tangled tracery of bare branches  
Against a winter sky.**

Dorothea Gay.

## HOME FROM ARRAS

**I STAND and watch the lightning strike down  
At the earth  
And at me;  
Watch it pause betimes to scribble on the clouds its yellow hieroglyphs.**

**But I fear not this writing on the wall of night,  
And the indiscriminate flashing and darting of lightning.**

**For it is but the plaything of God,  
And I have seen Man hunting Man.**

**I hold out my hands to the lightning,  
As a child reaches up for the moon.**

STIRLING BOWEN.

# Conventions, Hearings, Mass Meetings, Etc.

## REPRODUCED VERBATIM

Complete Stenographic Reports furnished in record time and in any quantity

**Translations in All Languages,  
Multigraphing, Addressing, Mim-  
eographing, Public Stenography,  
Etc.**

## CONVENTION REPORTING COMPANY

32 UNION SQUARE, NEW YORK, N. Y.

Stuyvesant 1963-5296  
(Room 810)

## MSS. Successfully Placed

CRITICIZED, REVISED, TYPED

Send for leaflet L Established 1890

References: Edwin Markham and others

United Literary Press, 123 5th Ave., N.Y.

## MY EXPERIENCES IN NEW YORK

*Socialism beaten in by the Trusts!*

The pathetic and appealing tale of an eager young Southerner whose ambition brought him to the big city.

He came, he saw—he suffered.  
He is working for the rights of humanity—for others wronged as he was.

1 pamphlet, 10 cents. 3 pamphlets, 25 cents prepaid.  
DAVID REID, 236 So. Hope St., Los Angeles, Cal.

**ESPERANTO** Many students have discovered that by starting out with the international language as a basis, their studies in modern languages have been wonderfully aided and simplified. Convince yourself. Send \$1 for complete grammar and dictionary.

## ESPERANTO SOCIETY

2633 Creston Ave., New York, N. Y.

## BELOVED MADNESS

**T**HE beloved madness has come over me again.  
I feel like twisting my umbrella in the rain,  
Like sliding along the slippery street as I walk home from work.  
I want to pick the dirty urchins up and love them for real,  
I want to shake hands with everyone, Even the soldiers I have no use for;  
I'd like to play ring-around-a-rosy with the whole universe of starved souls,  
I'd like to blow a kiss to God,  
Pull down the moon and wink at the lovers lingering there,  
I don't know what's the matter with me,  
My whole body seems a smile,  
The beloved madness has come over me again.

ROSALIE GOODYEAR.



# LIBERATOR BOOK SHOP

## War and Peace

**Men in War**, by Andreas Latzko.

A classic of war's horror that competes with the realism of Barbusse.  
\$1.50 net. [Boni & Liveright].

**Approaches to the Great Settlement**, by Emily Greene Balch. Introduction by Norman Angell, Bibliography, map and illustrations.

How will peace finally come, and what will it be like? This book more than any other throws a light into the future.  
\$1.50 net. [B. W. Huebsch].

**Political Ideals**, by Bertrand Russell.

A sketch of the new society, following the reconstructive ideals set forth in "Why Men Fight." Attention is also called to Mr. Russell's "Justice in War-Time." It is these ideas and the personal force behind them which have made Bertrand Russell today one of the leaders of the militant working-class in England.  
[Century]. \$1 net.

**The Bolsheviki and World-Peace**, by Leon Trotsky. [Boni]. \$1.50 net.

**An Inquiry Into the Nature of Peace**, by Thorstein Veblen.

A tremendously valuable book, by one of the foremost thinkers in America—the author of "The Theory of the Leisure Class." [Huebsch]. \$2 net.

**Militarism**, by Karl Liebknecht.

A voice from the uncorrupted and uncompromising heart of the German revolutionary working-class movement. Suppressed by the Kaiser. [Huebsch]. \$1 net.

## New Poetry

**Tamburlaine and Other Verses**, by John Reed. \$1 net. [Hillacre].

The "strange clamor of change" is in these poems, a keen-flashing zest for life and beauty, a turbulent and passionate joy in the world as it is and as it shall be.

**Renaissance and Other Poems**, by Edna St. Vincent Millay. [Kennerley]. \$1.50 net.

Poetry of the most extraordinary power and beauty, that brings wind and rain and night and the stars and sorrow and joy before us with the poignant clearness of their first impact upon the heart of a child.

**The Chinese Nightingale**, by Vachel Lindsay.

We used to read poetry "to ourselves"—Vachel Lindsay is teaching us with his sonorous lines and irresistible rhythm to "say it out aloud!" The first poem in this volume is one of the loveliest. \$1.25 net.

These pages will be a guide to current literature—a guide that can be trusted. Every book recommended here has the personal approval of one or more of the editors of this magazine.

All books listed are on sale by the Liberator, and we will be glad to get you any book you want, old or new.

Send orders to

**LIBERATOR BOOK SHOP,**  
34 Union Square, New York.

## Fiction

**The Stucco House**, by Gilbert Cannan.

A new novel by England's most powerful young novelist.  
[Doran]. \$1.50 net.

**Under Fire**, by Henri Barbusse.

The soul of all the armies of France finds a great and terrible voice in this book.  
[Dutton] \$1.50 net.

**The Rise of David Levinski**, by Abraham Cahan.

Stark convincing realism—a groping young Jewish idealist becomes an American Business Man. [Harpers]. \$1.60 net.

**Where Bonds Are Loosed**, by E. L. Grant Watson. \$1.50 net. [Knopf].

A startling novel by a new writer.

## Plays and The Theatre

**The Sandbar Queen**, by George Cronyn.

**The Angel Intrudes**, by Floyd Dell.

**Night**, by James Oppenheim.

**Enter the Hero**, by Theresa Helburn.

**Two Blind Beggars and One Less Blind**, by Philip Moeller.

These five plays, published in response to the growing demand for plays suitable for production by amateurs, have been issued in an agreeably small size, with colored paper covers, after a pleasant fashion started by some young English poets a year or two ago. This series, under the name of "The Flying Stag Plays" will include plays successfully performed on small stages. Some of these now listed were first presented by the Provincetown Players, and others by the Washington Square group. [Washington Square Book Shop]. 35c each.

**Trifles**, by Susan Glaspell.

A poignant little drama of American farm life. 35 cents net.

**The Art Theatre**, by Sheldon Cheney.

An analysis of the "little theatre" movement—with pictures. [Knopf]. \$1.50 net.

## Miscellaneous

**Greenwich Village**, by Anna Alice Chapin. [Dodd, Mead & Co.] \$2.50.

**The Record of a Quaker Conscience: Cyrus Pringle's Diary**. Edited by R. M. Jones. [Macmillan]. 60 cents net.

The story of a Conscientious Objector in the Civil War. See review in this issue.

**Old Worlds for New**, by Arthur J. Penty. [Sunwise Turn, N. Y.]. \$1.60 net.

The old world which the author offers us is the world of living arts and crafts which capitalism has destroyed. A criticism of modern industrialism and an outline of Guild Socialism.

**Philosophy and the Social Problem**, by Will Durant, Ph.D.

A real contribution to modern thinking. [Macmillan Co.]. \$1.50 net.

**The American Labor Year Book, 1917-18**. Edited by Alexander Trachtenberg. Cloth \$1.25 net; paper covers, 60 cents net. [Rand School of Social Science, New York].

A work of the greatest value and the keenest interest.

**The Sexual Crisis**, by Grete Meisel-Hess \$3 net. [Critic and Guide, New York].

A valuable book by a wise and sane feminist on the psychology of the situation which has arisen under the influence of modern ideas and modern economic conditions. An illuminating commentary on contemporary love, marriage and family relationships, and a discussion of future prospects.

**A Short History of England**, by G. K. Chesterton. [Lane]. \$1.50 net.

Written for workingmen, to show them what they have lost and must regain—land, liberty and happiness.

**Oscar Wilde**; by Frank Harris.

Bernard Shaw's reminiscences of Wilde appear as an appendix to this popular edition of Harris' monumental and true biography. 2 vols., \$5 net.

**Dubliners**, by James Joyce.

**Portrait of the Artist as a Young Man**, by James Joyce.

The newest experimental prose—you will either like these books very much or not at all! \$1.50 net each.

**Poverty and Riches**, by Scott Nearing.

An analytic study of our industrial regime and its social results. \$1 net.

**Lewis Seymour and Some Women**, by George Moore.

A new version of one of Moore's earliest novels, "A Modern Lover." \$1.50 net.

**Plays of Gods and Men**, by Lord Dunsany. "The Queen's Enemies," "Tent of the Arabs," "Night at an Inn," and "Laughter of the Gods." \$1.50 net.

**The Backwash of War**, by Ellen N. La Motte.

A masterpiece. [Putnam]. \$1 net.

# HOW WE EXIST

**in these times of hardship and high cost of paper and print, is revealed in these letters selected from our correspondence :**

**FROM A PLAYWRIGHT—**

"When the Masses expired I felt a personal loss, for it was the only magazine I ever really wanted all of, all the time. Now that The Liberator is born I hope that I shall continue to feel the same way about that, and I am enclosing, therefore, all that I can at the moment to nourish the child. A long, healthy, and virile life to it!"

**FROM A BOSTON RADICAL—**

"I have just read the enclosure and want to send ten dollars for one share of stock. It seems to me that the value of The Liberator at this moment cannot be overestimated."

**FROM A LAWYER—**

"Your circular has just arrived, and I herewith enclose my check for \$13 to take care of one share of stock and two subscriptions to the magazine."

**FROM A WRITER—**

"Enclosed please find check for \$10 for one share in The Liberator Co.—and many regrets that the amount is not larger. With best wishes for the future of the Liberator and with confidence in the

righteousness of its principles and the brilliancy of its statement——"

**FROM A MINISTER—**

"I have been an easy mark for a great many reform and progressive periodicals. Of course none of them ever paid dividends and I never expected they would. I have no better expectations for The Liberator. Telling the truth is about the most unprofitable business that human beings are engaged in. However, here is my contribution and I'm sorry I haven't a hundred dollars to send you. . . . Yesterday in church I suggested that all people who want to be really informed and intelligent should subscribe to The Liberator. How's that for a 'D.D.'?"

**FROM A STOCKHOLDER IN PROVIDENCE, R. I.—**

"I enclose a cheque for one hundred dollars as my mite toward your new venture and I shall pray for your success."

**FROM A POET—**

"I'm afraid I have the black soul of a capitalist. But I so much want to be in some sort a participator in The Liberator that I'm taking a share in it for this selfish joy."

***THE LIBERATOR can live and fulfill its purpose to become THE FIGHTING WEEKLY OF THE UNITED STATES only if you and your friends join the list of those who express their approval, and their faith in our future, by investing money.***

1918

To the Editors  
of the Liberator:  
34 Union Sq.,  
New York City.

I hereby subscribe for

.....shares of  
Preferred Stock in The Lib-  
erator Publishing Co., (Inc.),

and enclose.....  
dollars in full (or part\*) payment.

Name.....

Address.....

\*Payment by Installments of one dol-  
lar or more is acceptable.

*May Eastman*