
Jury in Eugene Debs' Trial on Free Speech Gets Its Instructions:

**Former Candidate for President Makes Address in Own Defense,
Refusing to Retract Anything Uttered in his Canton Talk —
Case Will Be Appealed if Jury Returns Verdict of Guilty.**

by J. Louis Engdahl

Published in *The Milwaukee Leader*, v.7, no. 236 (Sept. 12, 1918), pp. 1, 3.

(CLEVELAND) — Federal Judge D.C. Westenhaver Thursday [Sept. 12, 1918] instructed the jury in the case of Eugene V. Debs, national Socialist leader, charged with making disloyal utterances.

The jury is expected to retire by noon or before.

Westenhaver defined the four counts on which Debs is being tried. They are:

[1] Caused and attempted to incite insubordination, disloyalty, and mutiny and refusal of duty in the military and naval forces of the United States.

[2] Obstructed the recruiting and enlistment service.

[3] Provoked, incited, and encouraged resistance to the government.

[4] Opposed the cause of the United States at war with Germany.

There is a penalty of 20 years' imprisonment and a \$10,000 fine on each count.

If convicted, Debs' case will be appealed to the United States Supreme Court, his attorneys said.

Debs' attorneys added the appeal also meant a test of the espionage law under which he was indicted.

• • • • •

Debs Speaks in His Own Defense.

(CLEVELAND) — "I am not guilty of the charges in the indictment. What I have said I felt that I was justified in saying under the law of the land."

This was the challenge of Eugene V. Debs to the

government prosecutors as he made his own defense and argued his own case before the jury here that has the say as to whether the spokesman of international Socialism is to spend years in prison, or whether he is to have his liberty.

Debs didn't deny he had made the speech at Canton. He refused to repudiate his Socialist principles. So there was only one defense — just Debs himself. No witnesses were called in his behalf. He just carried his case to the jury with one of those stirring speeches that has endeared him to millions of men and women throughout the land.

First Talk to Jury.

"For the first time in my life I appear before a jury in a court of law to answer for a crime," he began. "I am no lawyer. I am not acquainted with legal practices. I know only that you are hear to hear the evidence and decide whether I shall be consigned, perhaps to the end of my days, in a cell. I do not fear to look the court and you and the world in the face, for in my conscience and soul there is festering no accusation of guilt.

"I wish to admit the truth of what has been testified to in the proceedings here. I have no disposition to deny anything that is true. I would not retract a word I have uttered, that I believe to be true, to save myself from going to the penitentiary for the remainder of my days.

Purpose to Educate.

“You heard the report of my speech at Canton. There isn’t a word in that speech to warrant the charges in the indictment against me. In what I had to say there, my purpose was to educate the people to understand something about the social system in which we live, and to prepare them to change this system by perfectly orderly means into what I conceive to be a real democracy.

“My friend the assistant prosecuting attorney says I advocated force and violence. I have never advocated force or violence in any form. I have always believed in education, intelligence, enlightenment, always made my appeal to reason.

“I admit to being opposed to the present social system, the present form of government, and have been for many years. I have advocated doing away with a small ruling class and establishing real social and industrial democracy.

Sympathy for Comrades.

He then continued by declaring that he did, in his speech, express his perfect sympathy with his comrades in jail, and with those indicted and convicted, comrades that he had known for years and in whose integrity he had every right to believe.

He first took up the cases of Ruthenberg, Wagenknecht, and Baker. He declared that Kate Richards O’Hare had never uttered the words attributed to her, that she was incapable of them. In referring to Rose Pastor Stokes, he said:

“Through all of her life she has been on the side of the oppressed. If she were so inclined she could occupy a place of ease in the world. But she has renounced them all and taken her place among the poor. If these women are criminals, then I, too, am a criminal.

Defends Russ Bolsheviki.

“When I said what I did about these three comrades of mine in the workhouse at Canton [Ruthenberg, Wagenknecht, and Baker], I had in mind that these three workingmen just a little while before had their hands cuffed together and their bodies strung up

for 8 hours at a time until, when finally released, they had fallen to the ground from exhaustion, all because they refused menial tasks beneath their dignity.”

He then defended the sympathy he had expressed for the Russian Bolsheviki, pointing out how they had been misrepresented by the capitalist press. He referred to the time when, under the tsarist regime, Russian Socialists had been sent to Siberia and lashed with the knout if they ever dreamed of freedom.

“Then the change came and the powers of government were assumed by the workers, soldiers, and peasants,” he continued. “The Bolsheviki have written a chapter of glorious history that will stand to their credit forever.”

Debs Reviews Struggles.

Debs then reviewed the history of the struggling minorities in this country. He first showed how the revolutionary fathers had been branded; Washington, the father of his country, as a disloyalist; Samuel Adams as an incendiary, and Patrick Henry as a traitor.

“They were misunderstood at the time,” he said. “When great changes occur in history, as a rule, the majority is wrong, the minority is right. I have been accused of opposition to war. I admit it. I abhor war. Men talk about holy wars. There are none.”

He then quoted Benjamin Franklin as having said that “There never was a good war of a bad peace,” and Napoleon, on his deathbed at St. Helena as having declared, “War is the trade of savages and barbarians.”

He then told of Jesus Christ, Socrates, and others as having suffered for attacking the established order.

Lovejoy is Recalled.

“Elijah Lovejoy, who was murdered in 1837 because of his opposition to chattel slavery, was as much hated in his day as the Industrial Workers of the World are hated today,” he said. “Today we are in another agitation: The rising of the toiling masses. It is because I happen to be with the minority of today that I am here before you charged with this crime.

Need Human Brotherhood.

“Why should anyone oppose internationalism? If we had internationalism there would have been no war. I have never uttered a word against the flag. I revere the flag as the symbol of freedom. I believe that nations have been hurling themselves against each other long enough. I love the people of this country and do not hate the people of any country. Human brotherhood has yet to be realized in this world. It never can be realized under the present competitive, capitalistic system in which we live.”

In his argument for the right of free speech during wartime he showed that Abraham Lincoln, Charles Sumner, Daniel Webster, and Henry Clay had opposed the Mexican war, branding it as a crime against humanity; that they were not tried for any crime but that they were all honored men today.

Exercised Only His Right.

He showed that the Democratic Party in its platform of 1864 had been privileged to brand the Civil War as a failure. He declared that the Socialist Party stands almost alone today in defending the constitution of the United States. He read the section of the constitution relating to free assemblage, declaring its English so plain that a child could understand it, and that the revolutionary fathers had mean just what they said when they adopted it.

“That is the right I exercised at Canton,” declared Debs. “For exercising that right I am here.”

It is not expected that it will take the jury long to reach a verdict.

Edited by Tim Davenport.

Published by 1000 Flowers Publishing, Corvallis, OR, 2006. • Non-commercial reproduction permitted.