
The Trial of Eugene Debs.

by Max Eastman

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At a Russian Socialist convention held in Stockholm in 1907 it was estimated that the delegates — 140 of them — had spent, collectively, 138 years, 3 months, and 15 days in prison. They had been in exile 148 years, 6 months, and 15 days. The length of time the convention as a whole had been active in Socialist propaganda was 942 years.

“It follows,” says Trotsky in a preface to one of his books, “that the time spent in prison and exile is about one-third of the time a Social Democrat is active.” Reading that preface on my way west to attend the trial of Eugene Debs, I was struck by Trotsky’s unconscious assertion that the time spent in prison is part of the time that a Socialist is “active.” It is often the time that his influence is most active. And though the government may succeed in accelerating the immediate war program by imprisoning Debs, they will also accelerate the effect of his lifelong service to the social revolution.

Whatever else he may be, Debs is the spiritual chief and hero of American Socialism, and I find myself in a very real perplexity in trying to report his trial on a charge of obstructing the war program. I believe that the postal authorities will recognize the necessity I am under, as a Socialist editor, of giving this news to the readers of the *Liberator*. And, of course, I cannot write the news without some special appreciation of his life and character and the elevation of his motives. Yet, on the other hand, I recognize the necessity that the postal authorities are under of keeping out of circulation anything designed to obstruct the war program of the government. Therefore I assure the reader in advance, not only that I shall not quote or refer to anything that Debs said about the war, but that I shall not in any indirect way imply any such quotation or reference, or any discussion of what he said. As a So-

cialist, bidding a kind of temporary hail and farewell to a companion who is dear to the hearts and minds of millions of Americans — whether pro-war or anti — I write the news of his trial for Socialists.

When I slipped into the courtroom at Cleveland a pretty young man in a pressed suit and a bow tie was reading Debs’ speech at Canton to the jury. He was manifestly embarrassed to find so much eloquence in his mouth. Debs was never younger, more spirited, more full of love and irony, than he was in that speech of June 16th.

“It appears,” he was saying as I came in — and this bears no relation whatever to the grounds of his indictment — “It appears that the Socialists of Ohio are very much alive this year. The party has been killed recently, which no doubt accounts for its extraordinary activity. (*Laughter.*) There is nothing that helps the Socialist Party so much as receiving an occasional death blow. (*Laughter and cheers.*) The oftener it is killed, the more boundless, the more active, the more energetic it becomes....

“Are we opposed to Prussian militarism? (*Laughter. Shouts from the crowd of “Yes, Yes.”*). Why, we have been fighting it since the day the Socialist movement was born (*Applause*); and we are going to continue to fight it, day and night, until it is wiped from the face of the earth. (*Thunderous applause and cheers.*) Between us there is no truce — no compromise.

“In 1869 that grand old warrior of the Socialist revolution, the elder Liebknecht, was arrested and sentenced to prison for three months, because of his war, as a Socialist, on the Kaiser and on the Junkers that rule Germany. In the meantime the Franco-Prussian War broke out. Liebknecht and Bebel were the Socialist members in the Reichstag. They were the only two who had the courage to protest against taking Alsace-

Lorraine from France and annexing it to Germany. And for this they were sent two years to a prison fortress charged with high treason; because, even in that early day, almost 50 years ago, these leaders, these fore-runners of the international Socialist movement, were fighting the Kaiser and fighting the Junkers of Germany. (*Great applause and cheers.*) They have continued to fight them from that day to this. (*Applause.*) Multiplied thousands of them have languished in the jails of Germany because of their heroic warfare upon the ruling class of that country. (*Applause.*)

“Let us come down the line a little further. You remember that at the close of Theodore Roosevelt’s second term as President he went over to Africa (*Laughter*) to make war on some of his ancestors. (*Laughter — continued shouts, cheers, laughter and applause.*) You remember that, at the close of his expedition, he visited all of the capitals of Europe, and he was wined and dined, dignified and glorified by all of the Kaisers and Tsars and Emperors of the old world. (*Applause.*) He visited Potsdam while the Kaiser was there; and, according to the accounts published in the American newspapers, he and the Kaiser were soon on the most familiar terms. (*Laughter.*) They were hilariously intimate with each other, and slapped each other on the back. (*Laughter.*) After Roosevelt had reviewed the Kaiser’s troops, and, according to the same accounts, he became enthusiastic over the Kaiser’s troops, and said: ‘If I had that kind of an army I would conquer the world!’ (*Laughter.*) He knew the Kaiser then just as well as he knows him now. (*Laughter.*) He knew that he was the Kaiser, the Beast of Berlin. And yet he permitted himself to be entertained by the Beast of Berlin (*Applause.*); had his feet under the mahogany of the Beast of Berlin; was cheek by jowl with the Beast of Berlin. (*Applause.*)

And, while Roosevelt was being entertained royally by the German Kaiser, that same Kaiser was putting the leaders of the Socialist party in jail for fighting the Kaiser and the Junkers of Germany. (*Applause.*) Roosevelt was the guest of honor in the white house of the Kaiser, while the Socialists were in the jails of the Kaiser, for fighting the Kaiser. (*Applause.*) Who was fighting for Democracy? Roosevelt? (*Shouts of ‘No!’*) Roosevelt, who was honored by the Kaiser, or the Socialists, who were in jail by the order of the Kaiser?” (*Applause.*)

There was no doubt as to the correctness of the young man’s report. He had been hired by the Socialist Party to take down Debs’ speech, but now he was concerned to make it evident that he was respectable and favored the prosecution. He would try to express indignation by looking up with compressed lips at the jury after what he thought must be a particularly traitorous passage in Debs’ speech, but the passage would not turn out very traitorous, nor he very indignant. He wore little lobes of hair down in front of his ears, and perfume, I think, on his handkerchief, and the wealth of Debs’ personality shone through him as he read, so that he became in the eyes of the jury a very small speck.

Another report of the speech had been taken by an agent of the Department of Justice, but he had been too warmly interested to write down more than about half of it. The two reports were printed in parallel columns, agreeing fairly well where they collided, and they constituted the main evidence of the prosecution. Two or three newspaper reporters — now clad in khaki in spite of what they had heard — were also introduced to corroborate the general impression that Debs had made a speech at Canton, and that he had made it to a crowd. Estimates of the crowd varied from 200 to 1,500. At least he had made it out loud, and from a bandstand not decorated with a flag, and just after a reading of the Declaration of Independence. These reporters were respectful of Debs, and they were not very happy on the stand. One of them, recounting an interview, remembered that after answering some questions very emphatically Debs had courteously added: “Now you may be right about this, and I may be wrong. I don’t claim to be infallible, but that is the way I see it.”

Another courteous person that came into the courtroom, with some expectant mystery as to why he came, was C.E. Ruthenberg, who made the sensational run for mayor of Cleveland at the last election. He came from an Ohio workhouse, where he is serving a term in prison, and he was introduced by the prosecution for the sole function of identifying the St. Louis platform and proclamation of the Socialist Party. His coming there from the prison cell was designed to impress the jury, I suppose, with an idea that all Socialists ought to be in jail; but I doubt if it had that effect. His quietness, his gracious demeanor, his thin,

keen, agile face — he is like a smiling hawk — seemed to testify to the absurdity of sending any of them to jail.

One other stranger, a dark young man, a professional, although not very cute, detective was introduced by the prosecution. He recited three sentences that he had heard Debs utter at a conference of Socialist State Secretaries in Chicago [Aug. 1918]. After the recitation Seymour Stedman, the chief counsel for Debs, asked him to pull them out of his pocket and see if he had recited them right. He did, and he hadn't. But it didn't matter much.

Nothing matters much in these cases but the indictment. After they have dragged a man into court in the present high state of patriotic tension and announced to a jury that the government believes this man guilty of inciting a mutiny in the United States Army, of stirring up disloyalty in his countrymen, of obstructing the enlistment of soldiers, of encouraging resistance to the United States of America, and promoting the cause of the enemy — it is about all done but the verdict. If the man is in every respect a perfect crystal of conventional Americanism, and can prove it, he may get away with his liberty. But if he ever had an opinion that diverged the hair's breadth from those of his regular Republican or Democratic ancestors, all of whom fought in the Civil War, and the War of the Revolution, and the French and Indian War, his chances are small. You might think that this would make the government hesitate to sling these slanderous accusations around among thoughtful people.

In one point of view, of course, Debs' trial was but an incident in the general subordination of social impulses to military expediency. And yet this was not his first trial; the scene had been enacted before, and in times of international peace. And I could not but feel that something else was symbolized here in the contrast between this man and his judges. There was symbolized the conflict of the main trends of two ages in the world's history — the age of industrial despotism and the political apparition of democracy, and the age in which industrial despotism is overthrown and democracy exists.

The chamber of contemporary justice in Cleveland is of oak and marble, with windows two stories high and a ceiling of gold; the judge sits high up and his desk is as wide as a counter; and behind and above

him the full width of the wall is filled with a splendid painting. It is a painting of angels with beautiful bodies, and stern faces and swords of flame, guarding the tablets of stone upon which are inscribed the ten commandments of Israel — guarding them against the approach, as it seemed to me, of a lawyer, a man on the model of Elihu Root, in a business suit and a black gown, trying to read something clever out of a book.... A kind of flamboyant solemnity of space in all that end of the room, and at the other end, a solid crowd of poor people, standing up, eager, their eyes shining like children's on everything that happens....

I always want to like the judge when I go into a courtroom. It is such an opportunity for human nature to be beautiful. Anyone to whom life is a sacred art must envy a judge his opportunities. But those to whom life is sacred — even their own lives — are not so frequently elevated into that position as they used to be. Judge Westenhaver has the broad jowl and tightly gripped mouth of the dominant, magisterial man of affairs. His lips are so well clamped down at the corners that they remain taut when he speaks, keeping his aspect as stern as though he were silent. And yet his words come rather courteous — softly, and with a precise lilt that trails off through long sentences into silence and grammatical uncertainty. I do not think he is quite so magisterial as he looks. If one could break through a certain declivitous front that he has built out before his character one might discover the soul of a small-town lawyer, still privately nursing the dread that he may not prove equal to the dignity of his place. Thus, at least, I explain the hysterical violence with which he defends the externals of that dignity.

The prosecution, in opening their case with a little flavor of the Scriptures, had declared that Debs should be "judged by his own words, by his own words condemned," and Stedman at the conclusion of his opening accepted that challenge with passion. "Yes," he declared, "ye shall judge him by his own words, and not by his words only, but by his works — the works of his whole life!" A motion of applause followed — a few spontaneous hands forgetting. It was inevitable, and as a relief it was delightful. But the relief was short-lived. Rising to the stature of Caesar Augustus, His Honor extended a frightful, accusing arm, and shouted: "Arrest that man!" conveying the impression that the man was armed with a bomb and

waiting five seconds while the fuse burned — “and that woman! — and arrest everybody else that you saw clapping their hands!”

It was a terrible moment, and everybody felt a little foolishly sick, the way you feel in school when some dreadful sinner is hauled up before the teacher. Especially this, because one of the sinners was Rose Pastor Stokes, who has just the steady mischievous twinkle in her eyes that is characteristic of an absolutely unregenerate pupil. The teacher was livid. I don't know but the whole courtroom would have been sentenced to go to jail, or stay in at recess, or some thing, if it hadn't been for the tact of one Irishman, Cunnea, of counsel for the defense, who stepped forward and began to remind His Honor of the very wide distribution of the frailties of human nature.

“Are you representing these defendants?” said His Honor with asperity.

“I never decline to represent anybody who needs me,” said Cunnea. And I don't know why it is that the Irish are always permitted to say what nobody else can hint at without getting his head bit off, but he added that he didn't want to see the judge sit up there and “play God to his fellow men,” and the judge accepted the rebuke and postponed the hearing until the next day, when he might be a little less “unduly vexed.” The next day he fined a few of them a little, and admonished the rest of the roomful as to the well-known incompatibility between human appreciation and the processes that prevail in a court of law.

There is a special interest in the personality of this judge, because he was compelled to listen to some remarks about himself which, if true, must have caused him some effort to resist their penetrating into his mind.

“Who appoints the Federal judges?” Debs was quoted as saying at Canton, “the people? In all of the history of the country the working class have never named a Federal judge. There are 121, and every solitary one of them holds his position, his tenure, through the influence and power of corporate capital. The corporations and trusts dictate their appointment. And when they go to the bench, they go, not to serve the people, but to serve the interests that placed them where they are.”

Now that statement is not historically true of Judge Westenhaver, and of others it is not historically

true — and to him it must have seemed, I suppose, merely a wanton gibe. And yet it was anything but that — it was a careless way of stating something that is quite accurately true, I think, even of Judge Westenhaver — namely, that he will in a broad way behave as a representative of corporate capital in a land in which corporate capital is the thing of supreme power and prestige.

Judge Westenhaver was a young lawyer in the farmertown of Martinsburg, West Virginia. He was Newton Baker's partner there, and probably owes his appointment to the Secretary of War. He could not go to college, but he aspired to be educated, to be citified, to be “correct,” to pass in any company as a “man of culture and attainment” — in short, to get away as far as possible from the small-town lawyer that he was. So he came to Cleveland, came — so it happened — as a member of the law firm that defended Tom Johnson in his fight for democracy in that city against the big corporate interests. For five or six years Westenhaver conducted this anti-trust litigation, and conducted it well. But it never satisfied his aspiration — which is only the normal human aspiration to sit high. He didn't like Tom Johnson's economic interpretation of the motives of prominent men, and he didn't like Tom Johnson's lawless democratism. His heart wasn't in the job with his head. His heart was still trying to get away from that uncollege-bred Martinsburg lawyer, reading omnivorously the “best” literature, learning assiduously the “correct” thing, striving in the childlike way that men strive for contemporary distinction.

And with that striving still central in him — still uncertain and unsatisfied — Judge Westenhaver arrived at the Federal bench — and at the one more-than-contemporary distinction that will fall to him, the distinction of sitting at the trial of Eugene Debs. And while Debs expounded the economic interpretation both of him and of all the kind of prestige that he aspires to, while Debs gave the picture of contemporary life that is not intellectual, or cultivated, or “correct,” but true, he sat there wagging his head a little with an amused, attentive, patronizing smile, sure of his superior position — the one thing he has always determined to make sure of. And that very smile, and that attitude, revealed the intimate truth of the blunt thing that Debs had said about him. He will behave — in general and for broad practical purposes — as a

representative of corporate capital, not because of any direct servitude or corruption, but spontaneously and with unconscious alacrity, because the power and prestige of corporate capital occupies the height toward which he aspires. The power and prestige of capital determines the standards of “cultivation,” and decides what is “correct” and citified, and even what is “intellectual” in these unhappy times.

As to the jury — though they were more numerous, their character and probable reaction to a prophet of proletarian revolt was more simple to predict. They were about 72 years old, worth \$50 to 60 thousand, retired from business, from pleasure, and from responsibility for all troubles arising outside of their own family. An investigator for the defense computed the average age of the entire venire of 100 men; it was 70 years. Their average wealth was over \$50,000. In the jury finally chosen every man was a retired farmer or a retired merchant, but one, who was a contractor still active. They were none of them native to leisure, however, but men whose faces were bitterly worn and wearied out of all sympathy with a struggle they had individually surmounted. Debs expressed their aspect better than I can.

“There is something pathetic,” he said, in the little hotel room after his speech, “about dressed up faces — smug bodies. If they had been dressed in rags it would have been all right.” And then with that instinctive gravitation toward something he can love, “What a contrast to turn toward the back of the courtroom, and find a little group of beautiful Socialists, with stars for eyes — you can always tell them!”

Debs is the sweetest strong man in the world. He is a poet, and even more gifted of poetry in private speech than in public oratory. Every instant and incident of life is keen and sacred to him. He handles his body — and his mind, too — all the time, as though it were an extremely delicate instrument. He is present with entire spirit and concentration in every minutest motion that he makes. His tongue dwells upon a “the,” or an “and,” with a kind of earnest affection for the humble, that throws the whole accent of his sentences out of the conventional mould, and makes each one seem a special creation of the moment. He is tall and long-of-finger, like a New Hampshire farmer, and yet just as vivid, intense and exuberant with amiability as the French — a kind of French Yankee, the finest pic-

ture of what we would have American. And the motions of his hands and body are more beautiful, and his spirit is more beautiful, than anything that I have seen in any man of my time.

The religion of Socialism is compounded of the passions both of fighting and of love. And Debs knows how to fight. He knows how to scourge with a vitriol tongue those characters with “face o’ flint and bowels of brass,” whose enormous passive greed obstructs and strangles the movement of humanity toward freedom. He knows how to fight. But that is not his genius. His genius is for love — the ancient, real love, the miracle love, that utterly identifies itself with the emotions and the needs and wishes of others. That is why it is a sacrament to meet him, to have that warm rapier-like attention concentrated on you for a moment. And that is why Debs has so much greater power than many who are more astute and studious of the subtleties of politics and oratory. And that is why Debs was convicted of a crime — he was convicted because he could not open his mouth without declaring his solidarity and inward identity with his comrades who are in prison. All through the testified record of the prosecution, and all through his own speech in defense, and through his final quiet utterance before the judge condemned him, there sounded the same refrain, the same eloquence of one who suffers in his own breast the pain of everyone who suffers.

I see him sitting there before his judges, with detached emotion, but vivid intellectual attention, his head high, with high wrinkles, William Lloyd Garrison spectacles — something saint-like, infinitely uncompromising, infinitely undisturbed — and I am undisturbed too. I am happy. And when the clumsy-thumbed prosecutor, with his round jowl and sharp nose, is through laboring forth what he has in proof that Debs said what he said, there is a pause. Debs looks up at Stedman. Stedman looks over at the prosecutor.

“Let’s see — you rest?” he says. “*We rest.*”

A kind of numb surprise affects the court. Nothing is said for a while. The prosecutor is disappointed. He is to be deprived of his sport of bulldozing witnesses for the defense. He will make up for it, however, by bulldozing the defendant later on. Finally the judge declares a recess of ten minutes, and everybody with a good seat settles to wait.

“Mr. Debs will conduct his own defense,” said Stedman when the court assembled again, and he went over to the press table and sat down. The other attorneys sat down. And everybody waited, watching intently, as though for lightning. But Debs got up very deliberately, gathering some papers, and he looked in the eyes of his judge a full minute, while the room grew very still, before he began, courteously and quietly, but with that intense magnetic precision, to discuss the only question that could possibly engage his fervent interest — the question whether or not what he had said in his speech at Canton was true.

“For the first time in my life I appear before a jury in a court of law to answer to an indictment for crime. I am not a lawyer. I know little about court procedure, about the rules of evidence or legal practice. I know only that you gentlemen are to hear the evidence brought against me, that the Court is to instruct you in the law, and that you are then to determine by your verdict whether I shall be branded with criminal guilt and be consigned, perhaps, to the end of my life in a felon’s cell.

“Gentlemen, I do not fear to face you in this hour of accusation, nor do I shrink from the consequences of my utterances or my acts. Standing before you, charged as I am with crime, I can yet look the Court in the face, I can look you in the face, I can look the world in the face, for in my conscience, in my soul, there is festering no accusation of guilt.

“I wish to admit the truth of all that has been testified to in this proceeding. I have no disposition to deny anything that is true. I would not, if I could, escape the results of an adverse verdict. I would not retract a word that I have uttered that I believe to be true to save myself from going to the penitentiary for the rest of my days.”

It was dark when Debs began speaking, though only two o’clock in the afternoon, and as he continued it grew steadily darker, the light of the chandeliers prevailing, and the windows looking black as at night-time with gathering thunderclouds. His utterance became more clear and piercing against that impending shadow, and it made the simplicity of his faith seem almost like a portent in this time of terrible and dark events. It was as though love and the very essence of light were inspired to lead the world straight on into the black heart of storm and destruction....

I think there can be no military objection to my quoting that part of his speech which was not pacific, but prophetic purely of socialism, his portrayal of the broad trends of American history in the past, and its sure destiny in the future. He had been accused of “sympathy for the Bolsheviki “ in Russia. He declared his sense of solidarity with them, and his knowledge that they are wantonly lied about in our newspapers, as the idealistic few who change the world have always been lied about, as Christ was lied about — and Socrates — accused and persecuted.

“A century and a half ago, when the American colonists were still foreign subjects, and when there were a few men who had faith in the common people and believed that they could rule themselves without a king, in that day to speak against the king was treason. If you read Bancroft, or any other standard historian, you will find that a great majority of the colonists believed in the king and actually believed that he had a divine right to rule over them. They had been taught to believe that to say a word against the king, to question his so-called divine right, was sinful. There were ministers who opened their bibles to prove that it was the patriotic duty of the people to loyally serve and support the king. But there were a few men in that day who said, ‘We don’t need a king. We can govern ourselves.’ And they began an agitation that has been immortalized in history....

“The revolutionary forefathers were opposed to the form of government of their day. They were opposed to the social system of their time. They were denounced, they were condemned. But they had the moral courage to stand erect and defy all the storms of detraction; and that is why they are in history, and that is why the great respectable majority of their day sleep in forgotten graves. The world does not know they ever lived.

“At a later time there began another mighty agitation in this country. It was against an institution that was deemed a very respectable one in its time, the institution of chattel slavery, that became all-powerful, that controlled the President, both branches of Congress, the Supreme Court, the press, to a very large extent the pulpit. All of the organized forces of society, all the powers of government upheld chattel slavery in that day. And again there were a few appeared. One of them was Elijah Lovejoy. Elijah Lovejoy was as

much despised in his day as are the leaders of the IWW in our day. Elijah Lovejoy was murdered in cold blood in Alton, Illinois, in 1837, simply because he was opposed to chattel slavery — just as I am opposed to wage slavery. When you go down the Mississippi River and look up at Alton you see a magnificent white shaft erected there in memory of a man who was true to himself and his convictions of right and duty unto death.

“It was my good fortune to personally know Wendell Phillips. I heard the story of his persecution, in part at least, from his own eloquent lips just a little while before they were silenced in death.

“William Lloyd Garrison, Gerrit Smith, Thaddeus Stevens — these leaders of the abolition movement, who were regarded as monsters of depravity, were true to the faith and stood their ground. They are all in history. You are teaching your children to revere their memories, while all of their detractors are in oblivion.

“Chattel slavery disappeared. We are not yet free. We are engaged in another mighty agitation today. It is as wide as the world. It is the rise of the toiling and producing masses, who are gradually becoming conscious of their interest, their power, as a class, who are organizing industrially and politically, who are slowly but surely developing the economic and political power that is to set them free. They are still in the minority, but they have learned how to wait and to bide their time.

“It is because I happen to be in this minority that I stand in your presence today, charged with crime. It is because I believe, as the revolutionary fathers believed in their day, that a change was due in the interests of the people, that the time had come for a better form of government, an improved system, a higher social order, a nobler humanity and a grander civilization. This minority, that is so much misunderstood and so bitterly maligned, is in alliance with the forces of evolution, and as certain as I stand before you this afternoon it is but a question of time until this minority shall become the conquering majority and inaugurate the greatest change in all the history of the world. You may hasten the change, you may retard it; you can no more prevent it than you can prevent the coming of the sunrise on the morrow.”

There is something extremely simple about what

is said there. It is the kind of thing that any humble man will understand, and he will know that it must be either true or false. And that was the manner of Debs' defense to the end. He did not offer any argument upon the evidence. He did not once employ his gift of ironic confutation, which might have exposed weak points in the case of the prosecution. He did not even condescend, as his attorneys urged him, to present the outline of a legal argument upon which a jurymen so disposed might rest his emotional desire to acquit him. With a very genial — and privately almost uproarious — scorn for the whole legal apparatus in which they were trying to tie up his clear-minded intelligence, he simply remained high up in the region of truth and noble feeling, where he lives, and compelled the court to come up there and listen to him or not listen at all. And they came up, and then after he stopped talking they descended again, a little tearful and uncomfortable, and carried out their business in the routine way. He chose to be sentenced as a prophet, and whatever might be done with his temporary person, to rest the essential argument of his case upon events that have not yet happened. And he chose well, for he is a prophet, and there is more than a chance that events will fulfill his utterance, and make him remembered not only as the most beautiful character in contemporary America, but as one of the most wise.

It is embarrassing to one who writes with a special sympathy to find events too obtrusively favoring his point of view. It is embarrassing to have to characterize the District Attorney, who got up to attack Debs before that jury as soon as he sat down. Assuming there was a single man of sensitive decency among the twelve, this District Attorney, Mr. Wertz, did all that could possibly be done to lose his case with that man. It would not have been very difficult to convict Debs after his own speech — he made it so evident that he would not take it as a personal judgment, that it would not and could not enter into his soul in the slightest degree. He did not ask the jury not to convict him, but rather assuming they would, sought to make it clear in his own words what it was they were convicting him for. But after that ungainly, greasy wolf, with a high whine through his teeth, had poured raw insults round the room for an hour, so that every one in the court from the judge to the stiff little bailiff was mortified, and his own more clever assistant squirmed

in his chair with embarrassment, it became very difficult for the most patriotic jury to do their duty. I credit the prosecuting attorney with at least three of the six hours that this jury had to stay out recovering from the emotional impact of the scene they had witnessed. For as clearly as Debs symbolized in his presence the hope of evolution, this man was the mud from which it moves.

“Now I’ll tell you in a nutshell the situation of this man an’ all those he assumes to represent,” he began. “I knew a farmer out here who had a barn an’ the barn caught fire, an’ he had a flock of sheep in the barn an’ he got ’em out in the yard all right, but there was one old ewe” — he pronounced it “yo” — “at the head of the flock, an’ she bolted around the barn and went back by another door, and the whole flock followed her. And then he got them out again on that side, and this old yo, she bolted round an’ come in again on this side. An’ that’s the way it goes. And if this old yo (pointing to Debs) wants to go to the penitentiary I’ve got no objection, but I object to his taking a whole flock of the people with him. Congress has pledged the resources of the United States to win this war, and the resources of the United States are the body of Eugene Debs just as much as the cattle and crops. Just because he’s got a smattering of history, enabling him to lead after him a rabble o’ half bakes like that conglomeration over there in Russia, where the American boys have had to go over there to preserve for the Russians their rights against these Bolsheviks — why — why — I tell you these doctrines lead to nothing but trouble and distraction. He says that if Kate Richards O’Hare’s guilty, he’s guilty — if Rose Pastor Stokes is guilty he’s guilty. Here’s what Rose said (grabbing a paper) and you’ve heard the record that she got ten years for this job.... And here’s what Debs says about the Stokes woman. Let’s see now what Debs says about Rosie. Here’s what Debs says about Rosie. Why, they ought to be tried for treason, the whole outfit. If it had been any other country in the world but the United States they’d have faced a firing squad long ago. Internationalism, he says. I’ll tell you what internationalism is. Pitch all the nations into one pot with the Socialists on top and you’ve got internationalism....”

So it flowed out of his mouth for an hour. And the judge adjourned the court until morning, and the

jury tottered away, and we all walked over to the hotel with Debs, to enjoy the humor of the situation, and hear its enjoyable points appreciated as only one with a perfectly imperturbable spirit could appreciate them. Debs had a conference the night before the trial began with his lawyers, a legal conference for the purpose of mapping out his case, and in the course of that conference, which lasted two or three hours, the case was never once mentioned.

I asked him one day if the trial was a strain on him. “No,” he said, “it doesn’t rest on my mind much. You see, if I’m sent to jail it can’t be for a very long time, whereas if you go it may be an important part of your life. That’s why my heart has been with you boys all these months.”

The next morning the judge instructed the jury — very correctly — in the law, and the defendant and his friends enjoyed a whole day of idle and happy conversation, lively with Debs’ stories of Lincoln, and in the evening the jury, hardened up at last to their unwelcome task, tottered back to their seats. Cyrus H. Stoner, aged 58 years, the youngest man among them, rendered the verdict of guilty. Debs was released in custody of his attorneys and the court adjourned for a day, while the judge should take counsel with himself, and perhaps with other persons of prestige, as to the appropriate length for the sentence.

On Saturday morning Stedman offered argument for a new trial on the ground that the prosecution had made much of the “St. Louis proclamation,” which Debs had not mentioned in his speech at Canton. But Debs mentioned the St. Louis proclamation with some affection in his speech before the jury, and so the judge no doubt was justified in denying that there was ground there for a new trial.

The motion was overruled. The District Attorney moved for the imposition of sentence, and the clerk asked, “Eugene V. Debs, have you anything further to say in your behalf before the court passes sentence upon you?” Again Debs rose and walked slowly forward, and even more quietly and with less effort than before, he lifted them up to listen, while the little routine of particular and personal event suspended, to the very vital truth about the present, and the inexorable bright promise of the future, that were for him symbolized in this otherwise unimportant proceeding.

“Your Honor, years ago I recognized my kinship

with all living beings, and I made up my mind that I was not one bit better than the meanest of earth. I said then, I say now, that while there is a lower class, I am in it; while there is a criminal element, I am of it; while there is a soul in prison, I am not free....”

It may be expedient for the government at war to imprison Eugene Debs. From their point of view it may seem prudent and necessary. But I wonder if there are not some among them who have qualms when it comes to such an act — in a war for liberty. I wonder if they ever sense the danger that when the war is done, they may find left only the name of what they were fighting for. Across the face of the County Court House, as the train pulls out of Cleveland, you read in great marble letters this motto: “Obedience To Law Is Liberty.” And by means of just such fatuous sophisms as that, the powers that want industrial feudalism and bureaucracy perpetuated after this war ends, will get it if they can.

Edited by Tim Davenport.

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