

122. Eugene V. Debs, Speech to the Jury (1918)

Source: *The Debs White Book (Girard, Kans., 1920)*, pp. 37-57.

Despite President Wilson's claim that the United States entered World War I in 1917 to "make the world safe for democracy," American intervention was followed at home by the most massive suppression of freedom of expression in the country's history. The Espionage Act of 1917 prohibited not only spying and interfering with the draft but also "false statements" that might impede military success. In 1918, the Sedition Act made it a crime to make spoken or printed statements intended to cast "contempt, scorn, or disrepute" on the "form of government" or that advocated interference with the war effort.

The government charged over 2,000 persons with violating these laws. The most prominent victim was Eugene V. Debs, the leader of the Socialist Party, convicted in 1918 under the Espionage Act for delivering an antiwar speech. Before his sentencing, Debs gave the court a lesson in the history of American freedom, tracing the tradition of dissent from Tom Paine to the abolitionists and pointing out that the nation had never engaged in a war without internal opposition. Sentenced to ten years in prison, Debs was released in 1921 by Woodrow Wilson's successor, Warren G. Harding.

MAY IT PLEASE the court, and gentlemen of the jury:

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

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

Gentlemen, you have heard the report of my speech at Canton on June 16, and I submit that there is not a word in that speech to warrant the charges set out in the indictment. I admit having delivered the speech. I admit the accuracy of the speech in all of its main features as reported in this proceeding.

In what I had to say there my purpose was to have the people understand something about the social system in which we live and to prepare them to change this system by perfectly peaceable and orderly means into what I, as a Socialist, conceive to be a real democracy.

From what you heard in the address of the counsel for the prosecution, you might naturally infer that I am an advocate of force and violence. It is not true. I have never advocated violence in any form. I have always believed in education, in intelligence, in enlightenment; and I have always made my appeal to the reason and to the conscience of the people.

I admit being opposed to the present social system. I am doing what little I can, and have been for many years, to bring about a change that shall do away with the rule of the great body of the people

by a relatively small class and establish in this country an industrial and social democracy.

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Washington, Jefferson, Franklin, Paine and their compeers were the rebels of their day. When they began to chafe under the rule of a foreign king and to sow the seed of resistance among the colonists they were opposed by the people and denounced by the press. . . . But they had the moral courage to be true to their convictions, to stand erect and defy all the forces of reaction and detraction; and that is why their names shine in history, and why the great respectable majority of their day sleep in forgotten graves.

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William Lloyd Garrison, Wendell Phillips, Elizabeth Cady Stanton, Susan B. Anthony, Gerrit Smith, Thaddeus Stevens and other leaders of the abolition movement who were regarded as public enemies and treated accordingly, were true to their faith and stood their ground. They are all in history. You are now teaching your children to revere their memories, while all of their detractors are in oblivion.

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From the beginning of the war to this day I have never by word or act been guilty of the charges embraced in this indictment. If I have criticized, if I have condemned, it is because I believed it to be my duty, and that it was my right to do so under the laws of the land. I have had ample precedents for my attitude. This country has been engaged in a number of wars and every one of them has been condemned by some of the people, among them some of the most eminent men of their time. The war of the American Revolution was violently opposed. The Tory press representing the "upper classes" denounced its leaders as criminals and outlaws.

The war of 1812 was opposed and condemned by some of the most influential citizens; the Mexican war was vehemently opposed and bitterly denounced, even after the war had been declared and was in progress, by Abraham Lincoln, Charles Sumner, Daniel Webster, Henry Clay and many other well-known and influential citizens.

These men denounced the President, they condemned his administration while the war was being waged, and they charged in substance that the war was a crime against humanity. They were not indicted; they were not charged with treason nor tried for crime. They are honored today by all of their countrymen.

The Civil War between the states met with violent resistance and passionate condemnation. In the year 1864 the Democratic Party met in national convention at Chicago and passed a resolution condemning the war as a failure. What would you say if the Socialist Party were to meet in convention today and condemn the present war as a failure? You charge us with being disloyalists and traitors. Were the Democrats of 1864 disloyalists and traitors because they condemned the war as a failure?

And if so, why were they not indicted and prosecuted accordingly? I believe in the Constitution. Isn't it strange that we Socialists stand almost alone today in upholding and defending the Constitution of the United States? The revolutionary fathers who had been oppressed under king rule understood that free speech, a free press and the right of free assemblage by the people were fundamental principles in democratic government.

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That is the right I exercised at Canton on the sixteenth day of last June; and for the exercise of that right, I now have to answer to this indictment. I believe in the right of free speech, in war as well as in peace. I would not, under any circumstances suppress free speech. It is far more dangerous to attempt to gag the people than to allow them to speak freely what is in their hearts.

I have told you that I am no lawyer, but it seems to me that I know enough to know that if Congress enacts any law that conflicts with this provision in the Constitution, that law is void. If the Espionage Law finally stands, then the Constitution of the United States is dead. If that law is not the negation of every fundamental principle established by the Constitution, then certainly I am unable to read or to understand the English language.

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I am not on trial here. There is an infinitely greater issue that is being tried today in this court, though you may not be conscious of it. American institutions are on trial here before a court of American citizens. The future will render the final verdict.

Questions

1. Why does Debs insist that the Espionage Act represents "the negation of every fundamental principle established by the Constitution"?
2. Why does Debs recount the history of political dissent and opposition to previous American wars?