

## Free Speech and the War

By HARRY WEINBERGER

Attorney of the New York Bar.

QUESTION No. 1: The police and other local authorities are forbidding street speaking and even meetings in halls on the grounds that discussions of the war constitute "treasonable utterances." What are "treasonable utterances?"

Answer: There are no utterances which are treasonable in themselves. Mere expression of opinion, even when indicative of sympathy with the public enemy and sufficiently strong to justify public indignation and the suspicion that the speaker is at heart a traitor, are not sufficient under the Constitution and Laws of the United States to warrant a conviction of treason. In re Charge to Grand Jury, 30 Fed. Cases, No. 18,272. The crime of treason is not completed until there is an overt act. Even a conspiracy to overthrow the government or an intention to commit treason, or treasonable words, whether oral, written or printed, have been repeatedly held not to constitute "treason." U. S. v. Burr, 25 Fed. Case, No. 14, 662 U. S. v. Pryor, 27 Fed. Case, No. 16,096.

Question No. 2: What are "seditious utterances?"

Answer: There is no such thing as a "seditious utterance" under the law. The Alien and Sedition laws passed in 1798 expired after two years. They were so intensely unpopular that they caused the death of the Federalist party. The present spy bill had, in its original draft, a clause giving the postmaster general the right to bar from the mails anything of a "treasonable, anarchistic or seditious character." Fortunately the house dropped the word "seditious."

My advice to all speakers is that when they speak they advocate a change in the laws or the repeal of a law. All meetings to discuss conscription, for example, and all literature issued, on that subject should state plainly that it is held or issued for the purpose of petitioning Congress to repeal that law. Such statements, speeches and literature are absolutely privileged and can not legally be suppressed.

Question No. 3: What legal authority have the police over public meetings?

Answer: The police have no right to enter without a warrant, meetings held on private property, or to break up public meetings, whether held in private or in public places; they have no right to stop street meetings, or to prevent a man from speaking before he says anything on which to make a charge. Some cities have regulations providing that people who desire to hold public meetings on the street shall secure permits. These should be complied with, but the police have no legal right to refuse the permits. Neither have the police any right to stop the distribution of literature on either the streets or in meetings. Some cities have regulations forbidding the littering of the streets. If the person distributing the literature hands it to another who throws it on the street, the latter is the offender and not the person distributing. See People v. Samuel W. Simpson, Court of General Sessions, N. Y., Judge Joseph F. Mulqueen, Jan. 5th, 1915; City of Philadelphia v. Brabender, 51 Atl. 374; People v. Armstrong, 73 Mich., 288.

Judge William J. Gaynor, of the New York Supreme Court, said in Murphy v. Smith, 15 Misc. (N. Y.), 500:

"The police have no right to forcibly interfere with citizens except to arrest them for crime. The contrary has become all too common. The like is not permitted in any free government in the world, except in some of the large cities of this country, and it will not be tolerated there much longer. A citizen has as much right to arrest even a policeman committing a criminal offense as a policeman has to arrest a citizen. To be plain about it, as the citizens do not want to be doing police duty, they hire policemen for that purpose, but do not thereby make them masters nor give them any more right to interfere with individuals than they have themselves."

THE American Union Against Militarism has taken the initiative and organized the different organizations and groups of Conscientious Objectors in New York City into a League for Legal and Economic Aid to Conscientious Objectors. The Headquarters of the

League are at Room 722, 70 Fifth Ave. The Advisory Board of the League decided by a vote of 18 to 6 to advise their members not to register on June 5th.

"We have available the names of 15,000 men who have announced they have conscientious objections against military service," according to Roger N. Baldwin, the secretary. "Our purpose is to give legal aid to them and also to urge the War Department to make some provision for their exemption on grounds other than religion."

## The Russian Revolution

from a Lecture by

H. ROLAND-HOLST

THE program of the provisional Government contains big promises. If they were to be realized, Russia would be the freest country in the world.

The revolutionists who understand Imperialism know, however, that the government cannot and will not keep to this program. There will develop a tremendous struggle in Russia, as we are now only in the honeymoon of the Revolution. We have already been informed by cables about protests against speakers who present "impossible" demands. We know what this means. The Social-patriots combine with the bourgeois against revolutionary Socialism. How large a part of the Russian working class will keep to the revolutionary principles we don't know, but what we know is this: if the Revolution stops now, if the workers listen to those who urge a return to work, to calmly continue regular life, then within six months a compromise will be effected between the reactionary forces of the old regime and the modern capitalists, and even the ordinary bourgeois freedoms will not be granted. Only if unrest and action continue to prevail in Russia and the working class is not itself infected by Imperialism, will the Revolution benefit the Russian people, and at the same time, other peoples as well.

We do not know how this Revolution will develop, but we do know that the field was prepared by Revolutionists, who have undermined Czarism through persistent revolutionary activity. What was done in Russia will have to be done in all other countries. The soldiers, whole regiments of them, actually went over to the people, and such we may expect to be their action in the Proletarian Revolution. And the same energy with which the Russian Revolutionists have continued their efforts to weaken Czarism, we Revolutionists of Western Europe have to develop to undermine Imperialism. This will have to be the essential part of our struggle.

## A Bit of Satire

THE Socialist party of Pasadena, California, has perpetrated a satirical masterpiece. It adopted the following resolution and sent it to the Secretary of War at Washington

"We, the Socialists of Pasadena, Cal., representing a large share of the employees of Pasadena, hereby pledge our loyal and patriotic employers to the service of their country. We feel that, now war has been declared because of their efforts, their services will be given, and we ask you to use them in any way you can, feeling sure that, because of their patriotic utterances in the past, they will gladly lead any charge against the enemy, even if it is at great danger to themselves."

"Our employers have always maintained that they were much more useful than we, and, because of this, they have insisted on receiving the lion's share of the wealth produced by us. We have never before agreed with them in this, but now will take them at their word, and feel sure that, with this great array of brains and superior ability, our country will be in no danger whatsoever."

"Their presence at home will not be missed, and our work of producing all this world's goods will go on as usual. However, we might add that, as we will not have the benefit of their wonderful intelligence in producing these goods, they, the owners, need not expect any return, but that all wealth produced during their absence will be divided among us according to the value of the labor done."

This is magnificent! But it can't stop there. Satire can never take the place of action.

## THE HAVEN

By JEANNETTE D. PEARL

MYRTLE felt annoyed, and operated her typewriter with jerky speed. She was indignant because the whole office force had filed out for lunch and left her alone with the electrician, who came to make some repairs. She felt hurt because of their slight, but more so, because of the thought that had she been a younger girl this oversight would not have occurred. This thought took hold of her and she began brooding over it. Was she actually getting old? As she questioned herself she slackened her speed, feeling an imperceptible stiffness of the joints, as if the infirmities of age were already upon her. She languidly suppressed a wry smile and drew a small hand mirror from the top of her desk. Her reflection cheered her. There was no gray hair, none visible, for the few she had were well concealed. Her face had a pleasant mobility with delicate indeterminate lines that left the skin clear and smooth. Her large mouth was set in softness. A tension of reserve showed only about the eyes held firmly by flexible lines, admitting of swift movement. She appeared youthful—twenty-five, thirty—but the eyes' setting and intensity indicated an older woman. She was thirty-seven.

Myrtle was a hard and capable worker, well thought of by the office force, but they resented her reserve and unsociability. They considered her haughty and on that account left her out of their calculations more than once. And each oversight Myrtle took as a rebuke to her age. The girls in the office were all young, and she would gaze with secret longing and envy at the ebullient agility of their youth. She felt irritated over their neglect—her own supersensitiveness—and struck at her keys as if in castigation.

The electrician was persistently staring at her, but she felt too annoyed to even resent it. He was a well built fellow of about thirty, good looking, with marked swagger and was fidgeting about for an opening to start a conversation.

"You keep pretty busy, don't you, miss?" he finally ventured.

"Yes," she nodded.

"Not I, I take it easy," he boasted.

"And your boss allows it?" She smiled with good natured contempt, continuing with her work.

"He don't know," he answered with pride. "You see, I'm pretty quick at this, been at it twelve years and I can locate trouble in no time. Other fellows have to monkey around a job for half a day, I can loaf on a job without any one suspecting it. He settled himself comfortably in a swivel chair near her, resting his stretched legs on a waste basket he drew up for the purpose."

"You know, I'm a good fellow," he said, leaning back in his chair. "I want to speak to you before, but I didn't have the nerve."

"Why," she laughed out right, "you're surely not lacking in nerve?"

"No," he confirmed, "but I didn't know how you'd take it. I was sort of afraid." He gazed at her with a slow lingering look that seemed to penetrate right through her clothes. She became quite confused and rose from her chair.

"You're not running away?" he laughed good naturedly. "I could sit here and talk to you all day," he assured her.

Myrtle laughed nervously, resuming her seat. "Maybe you don't believe me?" he asked familiarly.

"O—yes—I do." Then swiftly eyeing him, "Seeing you could do one thing twelve years, you surely ought to have no difficulty in keeping this up for just one day."

He lowered his eyes momentarily as if to drive away a fleeting shadow, shrugged his shoulders and forgot it. But he liked her better for the blow. It dispelled the distance and brought her nearer to him.

"Say, would you come to lunch with me?" he coaxed.

"Why—yes," she smiled dubiously.

"When?" His eyes were absorbing her every movement with a hungry, relishing gaze.

"Why—any time—now," she stammered. She felt a warm wave sweeping her toward this big unpolished fellow and to check herself she walked off to the window.

"No, not in my uniform. Say, make it Friday, and I'll have my other clothes. It's a go!"

She nodded assent with the warm cop disheart of a young girl.

"I'll drop you a line to remind you."

"Do," she drawled.

He detected the note of uncertainty in her voice and searched her face as if to probe her sincerity. "You haven't told me your name," he said with caressing reproach.

"Why—you can address me—in care of the firm—to the prettiest lady." As she spoke, she came toward him, her body at a slightly receding angle.

"The nicest," he put it. The distance pleased her, and she leaned forward, throwing back her head. "You may be married," she teased through her half-shut eyes.

"No, honest," and in confirmation he drew from his breast pocket several snapshots of a rather voluptuous girl and handed them to Myrtle.

"Your wife," she shook her finger at him tantalizingly.

"Just a friend—a good friend," he added innocently.

"I'm sure you're married," Myrtle laughed playfully, taking a deep breath and bringing to view the outlines of her full form.

"Do it again," his eyes narrowed, "do." "You're married," she emphasized, to divert his attention.

"Honest, I tell you I'm not." "Well, maybe I am," she laughed challengingly.

"Would make no difference to me." Then

undertone, "Maybe I'd like it better." His face brightened in anticipation.

"You're bashful," he added in a low deep voice, "and I like you for it, for that—and I'm in your eyes." He sucked in his lips, rolling up his eyes.

"Well," he drawled lazily with confidence, "hold hands—for a minute—let's—just—Come, don't be stingy."

She got up awkwardly, stretched herself with a look of intent upon her. "You're going to hold hands with me Friday, don't forget."

"Yes," she laughed delightedly, picking up her hat and toying with it. And why should she not go, she asked herself. But the thought of the fellow, boastfully bantering her name as perhaps at some public bar—she shuddered with disgust at the thought of it.

"Stunner," he muttered as he watched her leave the office, then proceeded to go for lunch.

That evening in her furnished room, Myrtle felt very lonely, lonelier than she had been during all the three years' separation from her husband. She was wracked by nervous uncertainty and shame for the indiscretion of her conduct. She felt as if all her self-control were slipping from her, and now, she began to understand the meaning of the indirect reproaches she had been receiving lately from different men. A feeling of intense uneasiness seized her. What if her reserve was to give place to the should yield? The possibility of that thought alarmed her and she rose from her seat, in disgust with her weakness. She began pacing up and down her long narrow room, with brisk elastic step. Suddenly her step contracted, her step became slow and cumbersome and her carriage stiff. That's just how I shall walk when I'm old, she told herself, and burst into hysterical laughter at the absurdity of the idea.

She had a queer feeling something must be wrong with her, yet she was enjoying splendid health. Her well cared for body was tense with vibrating animal spirit, and her attention and interest in things had a new alertness. She was conscious of a new assertive force in her. She noted of late that men sought her out, and looked at her not with indifference. She recalled, a bit ashamed, how only a few nights ago she actually had to restrain from an overwhelming desire to encourage a flirtation in the subway. What if she were finally to let herself go—and succumb to advances? Was that yet, to pass? Was it? she asked herself mockingly.

Until recently Myrtle had felt her moral character impregnable. She was safely insulated by her past marital troubles to want further contact with man. She had found a few friends, relatives, a little recreation sufficient for diversion when the day's work was over. Her domestic life, however, Myrtle had never realized. There was an intangible something she hungered for. And now she was beginning to realize what it was. Could she regard herself, was she equal to the occasion? As she shut her eyes, visioning the episode of noon, her feelings assailed her and she began upbraiding herself for her weakness. And in the midst of her condemnation she found herself speculating on the next adventure. The keen experience persisted in bobbing up before her, tantalizing and tormenting her with mockery.

She put away the stockings she had intended to darn and picked a book. She could not read. The elusive uncertainty of her conduct frightened her. She saw the abyss and wondered in whose clutches she would fall. She felt a fall was imminent. What a mess she had made of her life! What a mess! She added aloud. Then she felt compassion for herself, after all—she was not to blame, it was he—she had wrecked everything, she consoling told herself. It was now three years since his desertion. His last letter, written more than a month ago, pleading that she take him back was still unanswered. What was the use, since she preferred her life apart.

For two years Myrtle had known a life of comparative contentment. Her husband's desertion had left no void in her life, on the contrary, she was glad to be free of him, and alone. But now she was beginning to find herself lonely. The calm in her life was leaving her and loneliness was entering in. Her little room which had been so restful was now close and oppressive and seemed to weigh her down.

To-night, particularly, she felt very gloomy and gave herself up to moody conjectures and copious tears. As she stood before her dresser-mirror, gazing at herself, her supple curves revealed through the kimono cheered her. She was not old, she assured herself, just lonely. She lazily removed her hairpins and, tenderly shaking out her hair, wound it about her neck. How beautiful her naked arms looked in their loose sleeves! She kneaded the soft flesh lovingly, then passionately began kissing each naked arm. How lonely every part of her felt!

Commiserating with herself, Myrtle was startled by a knock, and before she could answer, the door opened and her husband came in. She sprang up, her languidness gone and stared at him with cold indifference.

He was a placid looking individual with the fire of him all burnt out. "Myrtle," he began in an even metallic tone, "let us two make a fresh start—it will be different now." As he spoke he took her hand and caressed it. She did not repel him, but his contact chilled her and she leaned further back on the cot when he brought his chair closer to her. He did not see her retreat, but grasping her hands he pleaded piteously, the plea of a lonely man.

His pleadings seemed to recall the vision of noon, vexing and tantalizing her. She clasped her hands in her lap with nervous firmness, scarcely hearing him. But he, swept on by the momentum of his own force, felt as if she were going his way. He caught her in his arms and kissed her again and again. There was no response in her, except that the warmth

of him visualized more intensely her feeling of noon. He felt a stir in her, and took it as a response to his supplication. He was certain he had her love and that in time she would show it more openly. He showered all kinds of promises upon her, their magnitude imparting to them a sense of reality which further encouraged his generosity.

As she watched him, she again saw the emotional warmth of noon and the memory of it beckoning and alluring. But she forced the thought from her. Associated with it was too much uncertainty—perhaps shame—degradation—who knows? She shuddered in fear of it and stretched out her arms to her husband.

(Continued from Page 1)

This revolt against conscription is national. It is not confined to any particular section of the country, nor to citizens of alien birth, nor to radicals, although the radicals are active. The revolt is not arising out of any particular propaganda, but is the spontaneous development of an instinctive horror of and objection to compulsory military service.

The press is spreading the report that the whole campaign is engineered by agents of the Kaiser. This is a damnable lie. It is an insult to the American people. The agents of the Kaiser have nothing to do with the movement, except in the imagination of the hirelings of plutocracy.

A general movement of this character cannot be inspired by ulterior motives—it cannot be engineered by the agents of a foreign government. The movement is essentially a protest against the action of Congress in imposing conscription upon the people without the people's consent. It is a tribute to the instinctive democracy of the American people—of all people. While activity in the United States was organizing itself, the people of Montreal broke loose in demonstrations and riots as a protest against the proposed plan of the Canadian government to introduce conscription.

The situation is serious. Instead of weakening, the opposition is developing new strength. The government is apparently forcing the country into civil war. It is hoped that, for the sake of peace and democracy, the government will alter its plans.

Gentlemen of the Congress, the American people, whom you should represent, petition you to repeal the Conscription Act!

## Meeting to Protest Against Conscription

THE Non-Conscription League of New York City is going to hold a tremendous mass-meeting on the night preceding Registration-Day—Monday evening, June 4th, at Hunt's Point Palace, 593 Simpson Street, Southern Boulevard at 163rd Street.

Besides speakers active in the fight, such as Leonard D. Abbott, Louis C. Fraina and Emma Goldman, young men of conscriptive age and mothers will voice their protest at the iniquity.

The meeting is to develop into a gigantic protest, and every revolutionist should be present.

A meeting of the League, held the same evening that President Wilson signed the Conscription measure, was one of the finest meetings ever held in New York City. More than 5000 enthusiastic, aggressive men and women were present, nearly all the men being of conscriptive age. The chairman was Leonard D. Abbott, and the speakers Harry Weinberger, Alexander Berkman, Louis C. Fraina, Leonora O'Reilly and Emma Goldman. About 15 soldiers in uniform were present, apparently to create trouble; but the spirit of the meeting was such that they dared not "start something," and before the meeting closed walked out meekly.

MARRIED men will only be exempt when their wives and children are financially dependent.

This would look bad for rich married men. But the *Evening Mail* in reporting this decision reassures its readers as follows:

"This rule is not general, since some wealthy married men will be numbered among those who are of greater potential value to the nation in their usual vocations than they would be at the front."

Remember, this is a "selective" draft. A millionaire at home is worth a million anyhow, but at the front his life might not be worth a cent!

THE Socialist Local in the district of Solingen in Germany, where Scheide-mann has been elected to the Reichstag, decided by a vote of 51 to 13 to leave the old party and to join the opposition as recently organized in the Independent Social-Democratic Party.

## Propaganda League in Brooklyn

THAT the Socialist Propaganda League is an absolute necessity is proven by the activities of the Brooklyn Branch of the Socialist Propaganda League. Now you of the Down Hearted League, look this over and get some inspiration to get back into the harness!

Chief among the activities of the Propaganda League of Brooklyn are the Anti-Militarist Mass Meetings which are rousing successes. The first one held a month ago resulted in packing in 1400 people in a comparatively small hall, and turning away hundreds. The doors were closed at 9 o'clock for lack of room. Overflow meetings were held in the street. The second Mass Meeting to protest against conscription held two weeks later in the same hall resulted in another overflow crowd, too large to be accommodated. The collections have never been equalled before by any other meeting held in Brooklyn. Enough was collected at both meetings to pay all expenses, and leaving a nice surplus which was turned over to the Mooney Defense Committee.

Hundreds of copies of the New International were sold at this meeting, also quite some "subs" were obtained for our paper.

The Propaganda League was well represented on the speakers' list. The following is a list of the speakers who addressed these mass meetings: L. C. Fraina, Editor of the New International, Joseph Schlossberg, Secretary of the Amal. Garment Workers, Ad. Goldfarb, B. Vladek, and S. P. Kramer of the Socialist Party, Winter Russel of the World Peace Fed. and Harry Weinberger of the Free Speech League. Ed. Lindgren and J. C. Rovitch presiding.

Another Mass Meeting to line up the workers against Conscription and to enlist sentiment for the repeal of this bloody bill was to have been held Friday, May 31, but the proprietor refused to open the hall and the meeting was held in the street.

Our business meetings are well attended. The S. P. reds are lining up, with the old timers who dropped out of the S. P. due to a disgust of its conservative middle class tactics.

Open air meetings are being held for the purpose of securing funds for the Mooney Defence and for imprisoned Westinghouse strikers. The first open-air meeting netted \$5 for the Mooney Defence though the night was too cold for open air meetings.

We have decided to pay for 200 copies of the New International of each issue, though we will sell more.

This live wire branch meets at the headquarters of the 14th A. D. S. P. at 225 S. 1st Street, every Thursday night. Discussions on timely topics follow the business session.

Give us a visit. If interested, call at above address, or write to S. Nesin, Organizer, 204 Bedford Ave., Brooklyn.

Watch this paper for more news of the Banner Local.

For the Revolution, Press Committee, per S. N.

P. S.—We have sent about \$20.00 to the Mooney Defence.

## A Magazine of Revolutionary Socialism

That is the task imposed upon itself by our magazine, *The Class Struggle*.

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Devoted to International Socialism

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LOUIS C. FRAINA  
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