

## The Cross Examination

MR. BARNES: Referring to Exhibit No. 5, the pamphlet "The Menace of Militarism," Mr. Nearing, at whose request did you write that or how did you happen to send that to the Rand School for publication?

A. At some time previous to the publication of these two pamphlets, I can not say just when, I remember being in the Rand School and Mr. Karpf asking me if I would write something for the school. I replied that I would try. At that time or previous to that time, since the entrance of the European nations into the war I had been collecting a great deal of material on the war, and our relation to the whole situation. That was the thing then in my mind, it was a thing on which I was speaking and writing, and in the course of events I wrote up this material into a couple of pamphlets and submitted them to the Rand School.

Q. By the way, you know who selected the pictures for the covers for The Menace of Militarism?

A. That I do not remember.

Q. You had nothing to do with that?

A. I can not say, but I am perfectly willing to take responsibility for it.

Q. I don't want you to take any responsibility that does not really belong to you. I want to know whether you picked out this picture, or facsimile of Jesus Christ being shot down by the soldiers in uniform, or suggested that that be put upon the cover of the pamphlet.

A. I do not know.

Q. Now when did you start your activities in opposition to the preparedness movement?

A. Well, I can not remember definitely but it was probably in the beginning of 1916.

Q. Was it prior to the swing around the country that you said President Wilson made, or was it about that time or afterwards?

A. Well, at that time the American Union against Militarism organized a group of people to take that swing, from the President's suggestion, and I was one of the group, so that I must have engaged very actively in the propaganda before that. However, my recollection on the point is not clear.

Q. And you joined the American Union against Militarism?

A. Yes, sir, I did.

Q. Did you have any official position with the organization?

A. I think I was at one time a member of the Executive Committee.

Q. Then the object of that organization, I suppose, was to combat the preparedness movement?

A. Its object was what its name signified: It was an organized effort to prevent the spirit of militarism in America.

Q. Well, at that time it sprung into being, I think you just testified about the time this preparedness movement got under way?

A. Yes, sir, at the time the preparedness movement was thoroughly under way, it would be at the end of 1915, or thereabouts.

Q. Did you belong to any other organization of the same character?

A. I think not. Do you mean previous to the writing of these pamphlets?

Q. No. About this time in 1915-1916 prior to our entry into the war?

A. I think not.

Q. Your method in writing these pamphlets and the purpose of writing them was I suppose to open the eyes of the people so that they would not follow into the swing of the preparedness movement?

A. I wanted to show the people the real way to prevent militarism and war. I did not believe that the preparedness crowd knew the real way and therefore I tried to present my side of the case.

Q. You didn't want them to follow the way urged by the preparedness crowd?

A. I certainly did not.

Q. You did not want them to prepare for war by large appropriations of money for munitions or for the navy and so forth?

A. I certainly did not.

Q. Or by military training or anything of that sort?

A. Certainly not.

Q. Now after the severance of diplomatic relations with Germany in 1917, Mr. Nearing, did you join or belong to any other organizations whose purpose was to prevent our entering war at that time?

A. The only other organization to which I belonged was the People's Council. Now whether that was previous to the writing of these pamphlets or not I don't remember.

Q. That was, however, after the war, wasn't it?

A. That was organized—really it was organized the first of September, 1917, in Chicago.

Q. And you had a preliminary organization?

A. It was organized I think on the 31st day of May, 1917, the preliminary organization.

Q. 1917?

A. Yes.

Q. You did not belong to any of the Emergency

Peace Federations' movements or anything of that kind?

A. There were two organizations, The Emergency Peace Federation and the American Neutral Conference Committee at that time. Whether my name is on the letter-head of the Emergency Peace Federation or not I don't remember, but if it is not I should have been rather glad to have it there.

Q. We have found out in this city that the appearing of a name on a letterhead does not necessarily mean that the person belongs to an organization. So far as you know you had nothing to do with that society?

A. Yes, I spoke for them.

Q. Oh, you spoke for them?

A. Yes.

Q. And you are then of course in sympathy with their purposes for peace?

A. Certainly.

Q. You desired that we would not enter the war against Germany even after the severance of diplomatic relations?

A. I desired that we should not enter into any war and not this war.

Q. Do you remember the date on which Congress passed the resolution recognizing that a state of war existed with the German Empire?

A. April 6th, 1917.

Q. Now do you remember the date on which the Seven Billion Dollar loan was passed or authorized?

A. I do not.

Q. About the end of April, wasn't it, 1917?

A. No answer.

Q. You have looked at the World Almanac?

A. Yes, sir, I have a copy.

Q. You recognize it as a dispenser of capitalistic

information?

A. No answer.

Q. A reliable dispenser of information?

A. It is a reliable authority on points of this character, yes, sir.

Q. And it appears here from page 202 that this statute became a law on April 24th, 1917. That is the law under which the Liberty Loans were floated?

A. Yes.

Q. Did you engage in any active operation in opposition to the passage of this act of April 24th, 1917 for raising money for the war?

A. I think I did. I think I made—I think I remember making a speech in Newark, New Jersey, in which I opposed the method of war finance used; I certainly felt opposed to that method of war finance.

Q. You felt opposed to any method of war financing?

A. I felt opposed to any war.

Q. Well, we were at war at this time when you say you opposed the particular proposition that was then before Congress, the raising of money by the issuance of bonds.

A. Before we entered the war I believed that we should keep out of it. After we got into the war, I believed that we should get out of it with as little damage as possible and I regarded the issue of bonds as a method of throwing the burden of the war over onto the future. And I believed that the current income in the present generation should pay the costs of the war.

Q. Well, my question was directed as to whether or not you took any active part in the opposition to the Act of April 24th, 1917. I understood you to say that you made a speech in Newark; was that correct?

A. I believe I made a speech—I am sorry to appear

not clear on these points, but I have made about 200 speeches a year in the past two years and I can not be sure where and when I said these things. But I certainly may be understood as very emphatic in saying that I was then and am now opposed to issuing bonds as a method of raising revenue.

Q. Now, after this bill was passed, the next question—big question before Congress, was the selective service act, was it not?

A. Yes.

Q. Did you take part in any opposition or any movement to prevent the raising of an army?

A. I spoke against the passage of a conscription act and wrote against it in these pamphlets.

Q. Now, at the time you made these speeches in opposition to the passage of the Conscription Act, were you speaking under the auspices of any society then?

A. I probably spoke for the American Union Against Militarism although I would not be sure.

Q. Where did you deliver those speeches?

A. Well, sir, I spoke all over the United States.

Q. That act was passed on the 18th of May, was it not?

A. The conscription act?

Q. This selective—this act or the conscription act?

A. I am not certain.

Q. About that date?

THE COURT: That was the date.

Q. That was the date. Are you familiar with its provisions?

A. Yes, sir.

Q. When did you make your arrangements to join the Rand School faculty or give lectures to them during the following season, about what date were those arrangements made?

A. Well, I had been lecturing for them for two or three years, and I do not remember. It was taken for granted that I would come back and lecture each year.

Q. Had you been lecturing for them in the same— with the same frequency prior to 1917, that you did during the season of 1917 and 1918?

A. Well, no, because previous to that I had lived in Philadelphia or in Toledo, and in the Fall of 1917, I came to New York, and therefore I was able to give more courses at the school than I had ever been able to give before.

Q. You spoke about The People's Council; when was the preliminary organization of The People's Council arranged for?

A. May 31st, 1917.

Q. And were you one of the founders of that?

A. I was one of the speakers at their meeting and I think I was a member of their executive committee although I am not certain on that point. I certainly approved of—

Q. Didn't you become the chairman, practically?

A. September 16th, 1917.

Q. And you did prepare, did you not, an outline for the organization of The People's Council?

A. I did.

Q. And what was the announced purpose of the People's Council?

A. There were three different purposes: The first one was to secure a statement of peace terms, of war aims; the second was to preserve civil liberties; the third, was to safeguard economic and industrial standards and rights.

Q. I call your attention to Bulletin No. 4 of The People's Council which is dated September 1st, 1917 and I ask you if you are familiar with that address signed by the executive committee? (Handing paper

to witness.) Perhaps I am getting ahead of my story.

A. I just as leave answer your question.

Q. I know you would. When you say that the immediate business of The People's Council, was not for the opening of negotiations for peace, have you any reference to any particular period of time?

A. Yes, you asked me about the plan that I drew up in May.

Q. In May, oh, I see. The purpose was then of having the country state their peace terms in order to obtain peace, was it not?

A. Yes, sir, in order to bring about the beginning of peace negotiations.

Q. What was the theory of the people in The People's Conference, was not that something modeled along the lines of the Working Men's Council of Russia?

A. The theory of The People's Council as I understood it was that the Liberal and Radical elements of the country should get together and express their opinions in coherent form just as the banking and business houses of the country had gotten together in the preparedness campaign and expressed their point of view.

Q. Well, doctor, is it also a fact, that they were to be in continuous session, or it was to remain in continuous session during the war?

A. Yes, sir, I think we used the phrase in relation to that as a "parliament of the people." That was a phrase used by Mr. Wilson in the New Freedom.

Q. Did you join any other society springing up after our entrance into the war?

A. I do not remember. I do not remember whether I was a member of the executive committee of the Civil Liberties Bureau at any time, I may have been, but I am not certain. I might say that I joined the

Socialist Party, is that what you are after?

Q. I am not after anything. Did you—don't call the Socialist Party a party—well, I am speaking really with reference to parties that sprung up after the war; that was in existence before the war. What was this National Civil Liberties Bureau, that you don't know whether you were or were not a member of?

A. The National Civil Liberties Bureau, was an organization of private citizens who believed that the First Amendment to the Constitution should be enforced.

Q. We are not all constitutional lawyers, tell us what the first amendment to the Constitution is?

A. Congress shall make no law respecting the establishment of religion or abridging the freedom of speech or press or the rights of the people, to assemble and petition Congress for a redress of their grievances.

Q. You say the National Civil Liberties Bureau, devoted its activities to seeing that Congress should not make such a law, or did it devote its activities to opposing such laws as Congress had enacted that in its judgment were in violation of that Amendment?

A. As I recollect, The National Civil Liberties views at that time, they were devoted exclusively to the protection of civil liberties as guaranteed under that First Amendment.

Q. Its conception of that?

A. Yes, or understanding of it, yes, sir, and it reads very plainly.

Q. And that embraced, did it not, handling cases of the Conscientious Objector?

A. It did.

Q. And also of the soap-box orator?

A. Yes, sir. And the suppressions of newspapers and the suppressions of assemblies and of the suppression and prosecution of petitioners.

Q. In fact, any curtailment of the ordinary civil liberties which were enjoyed in times of peace. It was the purpose of this society insofar as the curtailment concerned the matters mentioned in the Amendment to the Constitution, it was the purpose of this Society to fight?

A. It was the purpose of the Society to insist upon the enjoyment of the liberties guaranteed under the Constitution.

Q. And it opposed any curtailment of the customary right of free speech and the customary right of assemblage and those other things?

A. That is a negative purpose. Its purpose was positive. It was to insist upon the rights of free speech and free assemblage.

Q. When did you join the Socialist Party?

A. July 1st, 1917. I did not join before that time because I had taught school up to that time and I believed that a teacher should not be a propagandist.

Q. You are teaching school now?

A. Incidentally I am lecturing, yes.

Q. Is not lecturing teaching?

A. Yes, sir, and so is writing.

Q. Well, you did sign, then, I take it, an original application just like this here?

A. I signed the application blank and I did join the Socialist Party on the 1st of July, 1917.

MR. BARNES: I offer this in evidence.

MR. STEDMAN: It is objected to as utterly incompetent and immaterial. I do not see that it meets any issue in this case, whether he joined that party or the prohibition party.

THE COURT: What is the theory, Mr. Barnes?

MR. BARNES: The theory is that the gentleman joined the Socialist Party and consented to the sentiments contained in the application which stated "in

all my political actions as a member of the Socialist Party, I agree to be guided by the constitution and platform of that party," and we have shown what the constitution and platform of the party were with regard to war, and as adopted at the Convention in April, 1917.

MR. STEDMAN: I have the right to say something on it and before I do I have the right to see what you are offering. I have not seen this card.

MR. BARNES: Have you never seen that before? I am astonished.

MR. STEDMAN: No, I never saw this card before so your astonishment may continue.

Q. Now, then, you joined the Socialist Party on the first of July; did you read the majority resolution of that Party as promulgated at the St. Louis convention April, 1917?

A. I did.

Q. Did you approve of it?

A. With one exception I did and that one exception is the clause—

MR. STEDMAN: Just one second, you are asked a question that calls for yes or no answer to that question.

MR. BARNES: However, I will not insist upon my offer if Mr. Stedman insists on his objection, and I insist on the witness' answering yes or no.

THE COURT: He said, "with one exception I did," and that is an answer.

MR. BARNES: I am going to try to find out what that exception is.

A. I will tell you what the exception was if you want me to.

Q. I would rather come to it in my own good time.

A. I beg your pardon.

Q. Did you vote in favor of the adoption of the

platform by the referendum?

A. I did not, and if I had been—

MR. STEDMAN: Wait now, you have answered the question.

MR. BARNES: Now, if the Court please, I don't think it is proper for my adversary to get up here and stop off this witness while he is under cross-examination.

THE COURT: The Government is right—

MR. STEDMAN: The Government is right, yes, to have an answer to his question, but I object to volunteering answers, whether it is from my client or another's.

THE COURT: Is that the conclusion of the volunteering, you don't like it? You can move to strike it out.

MR. STEDMAN: And I do move to strike it out, the volunteered part.

THE COURT: That is a classic method.

MR. STEDMAN: I believe in the conscription system, not the volunteer!

Q. You say, Mr. Nearing, that while you did not vote for the adopting of it, you would have done so if you had been in Toledo at the present time?

A. If I had had an opportunity to have done so, I certainly should have done so.

Q. The next thing, now, going back over some of these—have you a copy of the American Labor Year Book?

A. Yes, sir, I have. Are you going to question me on the majority platform question as it occurs in that Labor Year Book?

Q. On the majority resolution in that Labor Year Book. Now referring, Mr. Nearing, to page 50 of the Year Book, the first paragraph:

"The Socialist Party of the United States in the

present grave crisis, solemnly reaffirms its allegiance to the principle of internationalism and working class solidarity, the world over." What did you understand by the principle of "internationalism and working class solidarity the world over?"

A. Why, I understood that to be a declaration of a social antagonism between the owning class and the working class, and the desirability of the workers standing by their own crowd.

Q. Reading further: "And proclaims its unalterable opposition to the war just declared by the Government of the United States." Did you approve of that?

A. I did.

Q. And did that represent your individual position during the Summer of 1917?

A. I was opposed to this war and all wars.

Q. And you were unalterably opposed to it?

A. Unalterably opposed to this war and to all wars.

Q. On the next page, on page 51, in the second paragraph: "We therefore call upon the workers of all countries to refuse support to their Governments in their wars." Did you approve of that?

A. Yes, sir. I do not believe that a working man has any right to fight in a capitalistic or any other war.

Q. And you regard this as such a war?

A. As a capitalists' war, a war between capitalist nations.

Q. And then just below that: "As against the false doctrine of national patriotism." What did you mean by that or what did you understand that meant?

A. I understood that whenever a man's fealty to a group reaches a stage where it compels him to go out and destroy another group, it is a false and pernicious and insidious social doctrine. That is the old

standard of countries dealing with feudisms, and it is the present standard that makes warfare between nations and it is the disintegrating social influence which we are trying to combat.

Q. That is whenever a man's fealty to his country, that is to his own particular nation to which he belongs leads him to a point that he wants to go out and whip the people belonging to another nation, you feel that that is a false sentiment and doctrine?

A. Any social standard that leads one man to raise his hand against—in violence against—any other man is a false standard and doctrine.

Q. May a class war lead a man to raise his hand in violence against the capitalistic class?

A. At that point I disapprove of it.

Q. At that point you are a pacifist socialist?

A. I am a pacifist, yes.

Q. You are a pacifist even to class struggles?

A. I am a pacifist in that I believe that no man has a right to do violence to any other man.

Q. Even in a class struggle?

A. Under no circumstances.

Q. Just below that, "in support of capitalism we will not willingly give a single life or a single dollar." Did you approve of that?

A. I did. I believed that workers had nothing in common with the capitalist system.

Q. You mean as applied to the situation in 1917, that that would mean that you would not volunteer in the army and that you would not subscribe to liberty loans and so forth?

A. I mean that I would not be willing to support a capitalistic war.

Q. Can not you answer whether that meant those specific things: volunteering in the army and subscribing to the liberty loans?

A. Are you asking what it meant to me?

Q. Yes.

A. It meant to me that I would not volunteer for the army and that I would not subscribe to liberty bonds.

Q. And it was that position that you felt that other persons should take?

A. Each man has a right to do—to take his own position. That was what that platform meant to me.

Q. And that is what you were working for?

A. That is the thing in which I believed and the thing for which I am still working.

Q. And were working in 1917?

A. And was working in 1917, and before that.

BY THE COURT:

Q. Did that include a desire on your part to impress your views in that regard on others?

A. Only insofar as others were interested in my views.

Q. Well, that answer is not very clear. You expressed certain views. Did you desire to impress those views on others?

A. Yes, sir, else I should not have spoken and written. I did not desire to force them upon others.

Q. I didn't say "force." I mean impress it on others?

A. Well, the word "impress" is not so clear. I desired to place that before other people for their acceptance or rejection.

BY MR. BARNES:

Q. But you desired to persuade them to their acceptance did you not?

A. If possible, yes. That is the purpose of teaching.

Q. Page 52: "We brand the declaration of war by our Government as a crime against the people of the

United States and against the nations of the world." Did you agree with that sentiment?

MR. STEDMAN: I object to it as incompetent upon any grounds, whether he agrees with it or not. I object to it on the ground that it does not go to motive, it does not go to intent and certainly does not go to wilfulness and is certainly not an issue in this case. It is of course perfectly apparent to me why he is being asked these questions.

MR. BARNES: I am glad.

MR. STEDMAN: And you are trying the Socialist Party, that is what you are doing here, you are attempting to try the Socialist Party.

MR. BARNES: Oh, no, not at all.

MR. STEDMAN: And that is perfectly apparent to me that that is what you are attempting to do.

THE COURT: I tried to make clear by previous rulings—the question now is merely calling for the view of the defendant, but it does not call for an interpretation of the language, because the language presumably is very simple and very clear. It is not, as I view it in any manner, a trial of any party, it is a search by the Government counsel on cross-examination under familiar rules, of the view of the defendant on the question of intent, he having been permitted and I think very properly so to explain the meaning of the expressions in "The Great Madness." Now if it does not call for a construction of the paper but simply calls for a statement from the witness as to whether he agreed with the statement or not, and as the statement is entirely simple, I will allow the question.

A. I did; I regard any declaration of war as a crime against the human race.

Q. Now the next sentence: "In all modern history there has been no war more unjustifiable than the war in which we are about to engage." Did you agree with that?

A. I did, because the more intelligent people become the less justifiable does war become.

Q. And the next sentence: "No greater dishonor has ever been forced upon a people than that which the capitalist class is forcing upon this nation against its will." Did you agree with that sentiment?

A. Yes.

Q. And the next sentence: "In harmony with these principles, the Socialist Party emphatically rejects the proposal that in time of war the workers should suspend their struggle for better conditions." Did you agree with that?

A. Certainly, because I regard war as an incident to the economic struggle, and the economic struggle as fundamental and continuous.

Q. And the next clause: "The acute situation created by war calls for an even more vigorous prosecution of the class struggle." Did you agree with that?

A. Yes, sir, if you interpret the "class struggle" to mean the struggle of the workers to better their economic conditions under which they are laboring.

Q. That is a struggle against the capitalists?

A. A struggle against the capitalists.

Q. There are certain recommendations here: "We recommend to the workers and pledge ourselves to the following course of action:

1. Continuous, active and public opposition to the war through demonstrations, mass petitions and all other means within our power." Did you agree with that?

A. Yes, sir. I believe that we should have used all legal means to bring the war to a speedy conclusion.

Q. Do you find anything in there about "legal means," any limitations to "legal means?"

A. It says "within our power," and the Socialist Party has always taken the position that it acts within the law.

Q. "Unyielding opposition to all proposed legislation for military or industrial conscription. Should such conscription be forced upon the people we pledge ourselves to continuous efforts for the repeal of such laws and to the support of all mass movements in opposition to conscription." Did you approve of that?

A. So long as the "mass movements" were legal, yes.

Q. What do you mean by "mass movements?"

MR. STEDMAN: I object if your Honor please, a mass is always distinguishable from individual action, it is plain from the language.

Q. You would like to explain what you mean by mass movements, wouldn't you?

A. I would like to have an opportunity to answer all of your questions fully and frankly.

Q. I think you are answering them very fully and frankly. Now I am asking you, would not you like an opportunity to tell these 12 gentlemen of the Jury what you meant, what you understood by the meaning of "mass movement" in opposition to conscription when you approved of it?

A. You mean would I like to answer that question?

Q. Yes.

A. I certainly would.

MR. BARNES: Now, Mr. Stedman, won't you please let your client answer the question?

MR. STEDMAN: My client will be retaining him in a little while.

Q. Now tell us what you mean by "mass movements" and what you understood "mass movements" in opposition to conscription meant?

THE COURT: Silence on the part of counsel?

MR. STEDMAN: I said that my client would be retaining him in a little while, your Honor.

MR. BARNES: The Court wants to know if you withdraw your objection.

MR. STEDMAN: No I think I shall let it stand.

THE COURT: Objection sustained.

MR. BARNES: You'd better get another lawyer.

Q. Now, Mr. Nearing, let us turn over to page 377, where we have the "Socialist Party platform" and then turn over particularly to the place with reference to immediate program, and with particular reference to paragraph No. 6—I will read the introduction first:

"The following are measures which we believe of immediate practical importance and for which we wage an especially energetic campaign.

"6. Resistance to compulsory military training and to the conscription of life and labor." Did you approve of that?

A. I did as a policy of objecting to a policy. In other words, I thought the policy of military training and the conscription of life and labor was a bad social policy.

Q. And did you approve of the next paragraph: "Repudiation of war debts?"

A. Emphatically, yes.

Q. Now you are familiar with the first liberty loan campaign?

A. Yes, sir.

Q. And that took place during the first part of June, 1917?

A. That, I do not remember.

Q. Well, it took place before you wrote this book?

A. It did.

Q. And you regarded the liberty loan, of course, as a war debt?

A. I regarded it as a war debt and as a financial mistake.

Q. But it had a great many subscribers?

A. It had a great many.

Q. It had a great many. Do you approve of the repudiation of that loan?

A. As a socialist, I approve of the confiscation of all forms of property which enables one man to live without work on another man's labor, and that includes the liberty loan or any other form of bonded indebtedness.

Q. The question is whether you approved of the repudiation of the loan, the loan having been floated or made, or whatever you choose to call it, prior to the writing or printing and distribution of "The Great Madness."

THE WITNESS: Well, I was asked here sir, regarding this statement No. 7, "repudiation of war debts." I regard that as the essential thing for all of the peoples of the world to do, including the peoples of the United States.

Q. The liberty loan was a war debt, was it not?

A. It was.

Q. And when you approved of this plank in the "immediate program" you approved of the repudiation of the liberty loan among other debts?

A. Of that and all other war debts, and all debts of a similar nature. In other words, I am not objecting to that because they are war debts, I am objecting to that because they are a form of property which enables one man to live parasitically on another man's labor.

Q. Now on the first page we have three quotations, one from Mohammed and two from his Modern Disciple John Reed. Did you select those quotations?

A. I did. I might say, sir, that the title of the

pamphlet was suggested to me because of a speech by President Wilson, at Kansas City, in which he said, "madness has entered into all things," and that suggested to me this title.

Q. Was he speaking of Europe or America at that time?

A. He was speaking of Europe at that time. That was before America got the madness.

Q. Now, at the end of the first paragraph you say, this is on page 5: "The American plutocracy urged the war, shouted for it, demanded it, insisted upon it and finally got it." Now tell us just what you meant by the American plutocracy as used in that sentence?

A. By the American plutocracy, I meant the small group of men who exercise the authority in affairs of economic, social and other forms of American life.

Q. Well, now, you say here, going back to page 5, "American plutocracy urged the war, shouted for it, demanded it, insisted upon it and finally got it"; did you mean by that, that for selfish reasons big business wanted to have us get into the war?

A. Why, after a certain point, yes. That is after the Big Business interests were so involved with the Allied credit that nothing except our entrance into the war would prevent the smash of the Allied credit machine.

Q. Now what date would you place that?

A. I read some documents yesterday which indicated that it was some time along in the early part of 1917, or late 1916. It was very difficult then, to get any information at all about the situation.

Q. This preparedness campaign you told us about was in the Fall of 1916?

A. 1915-1916.

Q. At that stage do you think that Big Business wanted us to get into the war?

A. Probably not.

Q. Probably not?

A. Because at that time Big Business was primarily interested in the South American and Central American and West Indian markets.

Q. That is what it was after at that time?

A. Yes, sir; that is at the time when President Wilson, issued his Mexican manifesto to which I referred yesterday.

Q. You are satisfied that Big Business at that time did not want us to go into the war?

A. No, I don't think it did, I don't think it was to the interest of business men then to go into the war.

Q. And that is why you think they did not want us to?

A. Well, as I regard the economic control, as I say here in the pamphlet they are just like other people, they are out to make profits and they will do the thing that will make the most profit.

Q. That is what they are primarily out after?

A. They are primarily out for profits, they are not in business for their health, as they say.

Q. Well, now, getting down to the Spring of 1917, and the Fall of 1916; at that time was it your idea that American big business wanted us to get into the war?

A. Yes, sir, at the point where allied credit was reaching the breaking point.

Q. And that it wanted us to get into the war for their own selfish interests?

A. For their own selfish reasons? Yes, sir.

Q. Then you say, the business interests realize that war is barbarous and they would avoid it if they possibly could. They also believe that there are some things worse than war: "the confiscation of special privileges, the abolition of unearned income; the over-

throw of the economic parasitism; the establishment of industrial democracy." That is your idea of why the 2% of the people wanted us to go, or were willing that we should go, into the war?

A. Not necessarily, that is my idea of the reason why the plutocracy was willing to take war if necessary. There is a definite ruling class psychology that dominates not only the rulers themselves, but those who work intimately with them in their affairs and that includes the professional group very often. I believe that the members of the capitalist class as a rule would prefer war to the disestablishment of capitalism.

Q. What political party advocated the calamities that you mentioned here, that is: "industrial democracy" and the "overthrow of economic parasitism," and the "abolition of unearned income" and "confiscation of special privileges?"

A. That is the platform of the Socialists the world over.

Q. And it is a platform that is peculiar to the Socialist Party, isn't it?

A. Yes, sir, that is what the Socialist Party stands for: the disestablishment of the capitalistic system.

Q. Your argument was practically or is practically that the capitalists, as a matter of fact, would welcome a war to save them from the calamities defined by the Socialist Party?

A. I say the capitalistic classes would undoubtedly; and I believe that the capitalists did that in Germany and in certain other European countries.

Q. You think they did it here?

A. No, the Socialist Party here is not a sufficient factor to be dangerous in that sense.

Q. So that you do not feel that in this country the capitalist class was afraid of the Socialist Party?

A. Not yet.

Q. Not at that time?

A. No, sir.

Q. I am speaking of 1917?

A. No, sir.

THE COURT: (Addressing spectators) Gentlemen, let us not overstep the bounds of decorum. I have stated before that I am pretty liberal, but you can smile without making a noise about it.

Q. As a matter of fact, the Socialist Party had been going backwards, had it not, for three or four years, as far as membership was concerned, prior to 1917?

A. I can not answer that. I do not know.

Q. Look at your Year Book, page 336, and you will find at the top of page 336, the percentage of socialist vote of the total vote, and then in 1912 it was 59/10%, whereas in 1916, it was only 32/10%?

A. Yes, sir, that is when the Socialists voted for Mr. Wilson because "he kept us out of the war."

Q. Do you mean to say the Socialists voted for Mr. Wilson?

A. Many of them.

Q. Haven't you a rule in the Socialist Party, that you have got to swear that you are going to stand by the Socialist Party candidate, you are going to support the Party candidate?

A. That is like all other rules.

Q. You do not follow your own rules?

A. Well, we try to.

Q. Now further down on the same page: "The wealth of the country was vast, enough to feed, clothe, house and educate every boy and girl; enough to give all of the necessities and most of the simple comforts of life to every family. The plutocrats were not interested in these matters however." Whom do you mean

by the plutocrats when you say as you do there those things and use that expression?

A. I mean the ruling power in the country.

Q. And you mean men of great wealth like Rockefeller?

A. I mean the men who were dominating and directing economically, the public affairs.

Q. Do you mean to say that those men were not interested in educational and charitable institutions?

A. Well, educational and charitable institutions are merely plasters and poultices to keep this kind of thing going. I do not regard the contributing to charities as sympathetic; I just regard them as a sort of social fire insurance.

Q. In other words, when you used that term "plutocrats" and said that they were not interested in these affairs, however, and after referring to food and clothing and housing and educating people, you meant merely that they were not interested in doing it in your particular way?

A. No, sir.

MR. STEDMAN: Mr. Nearing, you answer so quickly, I don't have a chance to object and I want to make an objection to the last question.

I ask your Honor, that the witness' last answer be stricken out, as I want a ruling on this line of questions, and I either get caught by the inability to tell when the prosecution has finished a question, or by the football rush of the witness to answer.

Q. On page 11 of the second paragraph you say: "Aggressive Germany was the danger mark. It was against her infamous desire to impose kultur upon the world that America was urged to prepare herself. It was for this purpose that the President signed a bill during the Summer of 1916, appropriating \$662,000,000 for the army and navy, a sum larger than had ever

before been appropriated for war purposes by any nation in times of peace. Well might LaFollette exclaim in his speech of July 19th to 20th, 1916, opposing this appropriation: 'I object, Mr. President, to a game, a plan, a conspiracy, to force upon this country a big army and a big navy to use the treasury of the country, and if need be, the lives of its people, to make good the foreign speculations of a few unscrupulous masters of finance.'"

Now that, was of course after Mr. Tavenner had made his speech and Mr. LaFollette had made his objections, that Congress passed this legislation, was it not?

A. Yes, sir.

Q. And was it your idea that Congress, in passing legislation and the President in signing it, were acting in bad faith or that they were not intelligent enough to see the real situation?

A. I disagree with them as a matter of policy. I regarded this as the beginning of a system of militarism for the United States. I think that subsequent events have more than justified my anticipation.

Q. You do not think though that they were acting in bad faith?

A. No, I think they were acting as the imperialists tried to get them to act.

Q. And you think they merely could not see the real truth as you saw it?

A. I don't know whether they could see the real truth or not; they were acting in conformity with imperialistic policy.

Q. And you think Congress and the President then in passing this legislation were acting truly as to what they really believed?

A. The President had declared emphatically again and again against this kind of policy.

Q. Can not you answer that question yes or no?

A. I don't know whether he has changed his mind, I am not the interpreter of the President's conscience or my own.

Q. Then you don't know?

A. And I never impute or never made it a point to give bad motives to people.

Q. You don't know?

A. I don't know anything about his motives.

Q. You haven't imputed bad motives to the plutocrats throughout this pamphlet?

A. I don't think so, I think I am characterizing their actions.

Q. Did not you tell us a little while ago you didn't think plutocrats were in business for anything except what they could get out of it?

A. I think that the capitalist system is influenced often and mostly by profits, and I think the plutocrats as a whole are influenced similarly under a capitalistic system. There seems to be no difference between them in that way.

Q. And that is the only thing?

A. That is the major factor in controlling their decisions.

Q. Is not that the only factor?

A. Certainly not.

Q. There are certain other factors?

A. There are certain other factors, but that is the major factor: the economic factor is usually the major factor in controlling public affairs.

Q. Now in the next chapter we deal with "patriots" and on page 12 you say: "The price of flags rose rapidly. Nevertheless the workers by hundreds of thousands contributed," that all being in quotation marks,——"to provide flags for the establishments in which they were employed. Men were discharged

when they refused to make such contributions." How many instances now to your personal observation do you know of men who were discharged from employment because they refused to contribute toward the buying of a flag?

A. I knew of three men in one department of one factory; I knew of several scattered instances in other shops and factories.

Q. Well, how many would you say, three men in one department?

A. Perhaps a dozen instances come to my mind, but this says that "men were discharged" and if two of them had been discharged, that would have justified that statement.

Q. You think that statement was then justified by that?

A. I certainly do, if two only had been discharged. "Two" is "men."

Q. Literally you are accurate. Now in the next paragraph, doctor, you say: "The business interests were in clover. After years of unpopularity, after being forced to endure investigation, criticism and antagonistic legislation, after being condemned by even the conservative element in public life as a menace to American progress and well being." Will you name some of the members of the conservative element in public life who denounced the business interests as a menace to American progress and well being? Give us the conservative ones, please.

A. I would say Mr. Cummins, Mr. Borah and Mr. Roosevelt and Mr. Wilson—particularly in those phrases that I quoted from him yesterday.

Q. And those were the men whom you regarded as the members of the conservative element in public life?

A. Decidedly conservative. I would not call them

Bourbons or Tories, but they are decidedly conservative.

Q. And a little later you say: "The plutocratic brand of patriotism won the endorsement of the press," enumerating a number of others. This "plutocratic brand of patriotism," I wish you would distinguish that from the democratic brand of patriotism.

A. The plutocratic brand of patriotism was the brand that made patriotism, loyalty to imperialistic designs and the imperialistic policies, and having entered on this propaganda campaign, it was one of the avenues toward imperialism, and plutocrats and patriotism mean loyalty to imperialistic policy and in my judgment that is not patriotism at all.

Q. Then it is your judgment that the patriotism advocated by the preparedness advocates, and the patriotism advocated after we entered the war, by the president, was this plutocratic brand of patriotism, that is, a patriotism devoted to imperialistic policies of this Government?

A. That brand of patriotism which is satisfactory to J. P. Morgan & Company and the Standard Oil Company and the United States Steel Corporation, is plutocratic patriotism, and that was the brand to which I am referring, and it is not the brand to which I adhere or subscribe.

Q. That was also the brand that the country adopted generally?

A. That was the brand; yes, sir.

Q. That is the imperialistic brand, imperialistic ideas?

A. The imperialistic—the war is a part of the imperialistic policy.

Q. That is your idea then, that the support of the war, just as the country has given it, is in support of a war carrying out an imperialistic policy?

A. Yes, the policy of imperialism. As far as the rank and file of the people is concerned, they were simply patriotic and ignorant, they were patriotic and enthusiastic, and they did not understand what they were trying to support.

Q. Now on the next page you say, at the bottom of the page:

"The American plutocracy was magnified, deified and consecrated to the task of making the world safe for democracy. The brigands had turned saints, and were conducting a campaign to raise \$100,000,000 for the Red Cross."

Did you contribute to the Red Cross?

A. I did not.

Q. Either before we went into the war or after?

A. I never contribute to any private or philanthropic or charitable institution. I regard philanthropy and charity in every form as merely making the great crimes, the crying crimes of the capitalistic system more endurable, and I do not care to help make it any more endurable. I regard the Red Cross as a method of making war more endurable and I do not care to make war more endurable, because it is a crime.

Q. Was it your idea,—will you say that this campaign was directed by H. P. Davison, one of the leading members of the firm of J. P. Morgan & Company—was it your idea that his service in directing this campaign was in pursuance of the plutocracy's conspiracy to draw us into the war?

A. No, sir. I make the point through this pamphlet that the business interests fought for the war, and when the war came on, the leading business men of the country were put in charge of all of the important ventures in which we were engaged, and this is one of the ventures.

Q. Wasn't this before we went into the war that

Mr. Davison took charge of the Red Cross?

A. No, I cannot answer that, I know he was in it after we went into the war also. He may have taken charge at any time before we went into the war. That would merely prove that plutocracy was behind the Red Cross, knowing that the firm of J. P. Morgan & Company were engaged in these big business ventures. That was a big venture in the Red Cross, as the Red Cross is interested in this war and Big Business is interested in the Red Cross as Big Business is interested in the Charity Organization Society and other philanthropic endeavors.

Q. On the next page, on page 14, in the third sentence, under "Armed Neutrality" you say:

"Meanwhile the British fleet blockaded Germany, closed the North Sea, sowed it with mines, and refused to permit American manufacturers to sell goods to the Central Powers. This constituted a brazen violation of international law."

Was the blockade—did you mean by that that you declared that the blockade was a brazen violation of international law?

A. No, but to sow the North Sea with mines was a violation, as I understand international law.

Q. How do you know that those mines were sowed there by the British fleet?

A. Well, you will find an excellent summary of that according to the facts contained in the speech of Senator LaFollette on April 4th, also in the speech of General Sherwood, about that same time. I have the speech here.

Q. That was the source of your information, was it?

MR. STEDMAN: The President stated it.

MR. BARNES: Mr. Stedman, please wait until you are under oath.

Q. That was the source of your information?

A. I don't remember sir, but these are authorities upon which I would rest my case.

Q. Those are the authorities upon which you made these statements?

A. I just—I stated I would be glad to rest my case on them. I cannot remember whether they were or not. I have the reference here. I have got the reference to the sources of information.

Q. Then do you declare that the blockade on Germany was one of the brazen violations of international law?

A. Yes, sir, I say so far as it was an effort to starve the civilian population, I believed it was a violation of international law as I understood it at that time.

Q. Don't you know that in the Civil War, the North declared a blockade upon the South?

A. Did they do that in an effort to starve the civilian population?

Q. I am not on the stand. I would like to say "yes" to that, though.

A. I don't know sir, but if it did, I believe that constituted a violation of the accepted common international law, and if the law does not cover that it certainly should.

Q. Then you say you believe this is a violation of international law?

A. Yes, sir.

Q. What investigation did you make of the subject before you wrote these words, "This constituted a brazen violation of international law?"

A. Why, I stated two of my authorities, and I also had a couple of courses of it in college, in international law, and know something about it in a general way.

Q. Now, Mr. Nearing, referring to page 19 of the pamphlet, under the caption, of "The 2nd of April," you state that in the Spring of 1917, the credit of the Allies was strained to the breaking point and their resources were at very low ebb.

What data did you have from which you came to that—upon which you based that statement?

A. I referred yesterday to a couple of letters by a firm by the name of Henry Clews & Company. At this time, the submarine sinkings, if I remember, amounted to about 500,000 tons a month—they were sinking vessels faster than the British or the Allies were building them, and we heard tales at this time, that in England there was the necessity of putting the population on a bread card system. And I might say that I ordinarily read at least two financial papers every week, and tried to keep in pretty close touch with these changing situations.

Q. On page 20, the second paragraph, you say: "The great neutral faced the test of possible commercial disaster. A hundred millions of people in the balance counted as nothing against the menace of economic losses." Did you mean by that, that Congress and President Wilson weighed economic losses against the lives of one hundred millions of people and decided in favor of avoiding economic losses?

A. I should not say against the lives of one hundred million people. I should say against the well being of the people; and I believe that the economic considerations were primary.

Q. That is, they weighed the economic considerations against the well being of one hundred millions of people and decided in favor of the economic considerations?

A. Well, I cannot say whether they weighed it or not, but I believe that the decision was in favor of the economic considerations and against the people.

Q. Then you say, "The President without any authority from Congress, armed the merchant ships and gave Bernstorff his papers." As a matter of fact, President Wilson gave von Bernstorff his papers some time prior to that, in which the armed neutrality question arose, didn't he?

A. Yes. That should probably have preceded the other, preceded the giving of von Bernstorff his papers. That should probably have come in before the armed merchant ships subject.

Q. It should not even have come in this section at all, should it, the "2nd of April?"

A. Well, it is a section dealing with the events that led up to that period. I think that it is the logical place for it, yes.

Q. Do you remember the date that von Bernstorff was given his papers?

A. I think it was in February, if I am not mistaken.

Q. Then you say, "The business interests went wild with joy."

A. Yes, sir.

Q. And the next portion of that, you quote from "Finance and Commerce" of February 7, 1917, the fact that flags were put out on Wall Street. As a matter of fact, don't you know that the Stock Market took a violent break at the time of the severance of diplomatic relations with Germany?

A. The fact to which I refer is contained in this quotation from "Finance and Commerce" a Wall Street publication.

Q. Cannot you answer my question, doctor: don't you know, as a matter of fact, that the Stock Market had a violent break upon the announcement of the

severance of diplomatic relations with Germany?

A. I do not.

Q. Was it your idea that the reason why people put out the flags in Wall Street, was because they were glad that we were at war with Germany, or they wanted to show their loyalty to this country?

A. I believed that the Wall Street interests, had been trying very hard for months to get into the war, and I believe that they were interested and missed no opportunity to expend energy in getting this country into the war.

Q. But you do make the statement that the reason why Wall Street put out these flags was because it was glad?

A. Yes, I say the business interests were wild with joy, and that confirmed it.

Q. That showed their wildness of joy, by putting out their flags as you have indicated?

A. Yes, as their publication says, "in twenty minutes Wall Street, from Trinity Church to South Street was bedecked like on a holiday." It was a holiday for them.

Q. Columbus Avenue was also bedecked, wasn't it?

A. Within twenty minutes? I don't know.

Q. Within twenty-four hours?

A. I don't know; I was not in New York at that time.

Q. You didn't raise any flags where you were?

A. I beg your pardon?

Q. Were not there any flags raised where you were?

A. Yes, but they were not in the way that is indicated by the quotation here. This is a financial paper, you know.

Q. Now, turn to page 22, or rather to the bottom

of page 21, you say:

"On April 6th, with the passage of the Resolution declaring the existence of a state of war, the American people found themselves in war, after returning a party to power only five months before because it had 'kept us out of war'" and then you say:

"The people were not consulted, their wishes were not considered."

"No popular referendum on the war was even proposed by the Administration."

How many wars have we engaged in in our history?

A. I think five major wars.

Q. What were they?

A. The Revolutionary War, War of 1812, the Mexican War, the Civil War, and the Spanish-American War.

Q. In the Revolutionary War was there any referendum, popular referendum as to whether we would go to war or not?

A. I should say that a revolution is a popular referendum.

Q. Well, what did you mean by a popular referendum, you meant a vote, didn't you?

A. Yes.

Q. Was there any vote taken in the Revolution that you know of, as to whether or not we should have a revolution?

A. I do not see how you can vote on a revolution, Mr. Barnes.

Q. How many—I am simply asking you whether you know?

A. No, sir, I don't think so.

Q. What was the next one?

A. The War of 1812.

Q. Was there a referendum on that?

A. No, sir.

Q. What was the next one?  
A. The Civil War.  
Q. Any referendum on that?  
A. No, sir.  
Q. What was the next war?  
A. Spanish-American War.  
Q. Any referendum on that?  
A. No, sir.  
Q. You are familiar with the Constitution of the United States, aren't you?  
A. I am.  
Q. And that it does not provide for a referendum on the question of war?  
A. No; neither does it prohibit it.  
Q. I asked you does it provide for a referendum?  
A. It does not provide for it and it does not prohibit it, sir.  
Q. Does not it provide that war shall be declared by Congress?  
A. Yes, it does so provide, but this was declared by the President.  
Q. Was not this war declared by Congress?  
A. No, sir, it was not declared by Congress. The President said on April 2nd, four days before Congress voted on the question, he said in his speech, "In the war in which we are now engaged."  
Q. But they did vote on it ultimately?  
A. Yes; ultimately, yes.  
Q. From what you know of it, what was the vote on it?  
A. About twenty to one, something like that, I understand.  
Q. Then it was voted for by the Constitutional representatives of the people of the United States?  
A. Yes, sir.  
Q. In Congress assembled?

A. Yes, sir.

Q. And the war was declared in the constitutional manner by the representatives of the majority, the overwhelming majority of the representatives of the electorate, was it not?

A. Yes, sir, but they however, decided it previous to a referendum.

Q. Is there any provision in the Constitution for a referendum?

A. No, sir.

Q. About going to war?

A. I thought this war was more democratic because the President had said so.

Q. I see.

A. In other words, I believed that we might have shown our good faith in democracy, by having a referendum on it at this time.

Q. In other words, in your opinion, Mr. Nearing, it would have been a nice thing, or a proper thing, or an expedient thing, or a good thing, or a democratic thing, to have declared this war in a different way than the other wars had been declared?

A. In my judgment, if they had had a referendum at this time, the vote would have been very overwhelmingly against going into the war.

Q. In your judgment?

A. Yes.

Q. The duly authorized representatives in Congress assembled did not represent their constituents?

A. I believed they did not represent the body of their constituents.

Q. That is your judgment?

A. They were whipped into line by methods which were notorious at the time.

Q. That is your judgment?

A. No, that is something that was expressed in the

newspapers, too.

Q. That is, newspaper stories?

A. Yes.

Q. Now a little further down on the same page you say,—speaking of the advisory commission to the counsel, that it was the business interests that had in charge this matter for the Government, you said, “The four business men, constituting the majority, will have practical charge of directing the expenditure of the billions of dollars that the American people will put into this war.”

Does that occur to you as a remarkable provision or an extraordinary provision, that business men should be in charge of the expenditure of money?

A. No, unavoidably so under the present system.

Q. And didn't you think that that was much better than having politicians have charge of it?

A. As to whether the thing was better or worse, I would not judge. I would say it was not quite typical to let business men have charge, for I do not think that politicians were competent to have charge.

Q. You think the business men were more competent?

A. Undoubtedly they knew the game.

Q. More competent, even, than college professors?

A. Undoubtedly.

Q. On the next pages, pages 23 and 24, you state there the circumstances in which they are placed at the head of these different committees, the committees on express, committees on shoe and leather industry, supplies, copper, etc., that the men selected to serve did serve with the heads of the great businesses and industries of that character. Don't you think that that was a better way of doing it than to have the office boys or the subordinates of those businesses in those positions?

A. I should have liked to have seen experts continued in charge by the Government, and some expert engineers and expert scientists, non-controlling factors in the business. I should have liked to see the labor unions represented in some cases, that would have been a more democratic way because business men make up about one-tenth of the population, and the working people about nine-tenths.

Q. You did feel, however, did you not, that it was more apt to be an efficiently conducted war, purely from an efficient standpoint, understand, if the heads of these great concerns served in these capacities?

A. Well, I should say that undoubtedly yes, as they would conduct the war better for their own purposes. There was a concrete instance brought up on the Standard Oil Company—

Q. I am speaking about the efficiency of the conduct of the work.

A. From the business standard, it would have undoubtedly been more efficient.

Q. That is what I mean. Now going over to the Liberty Loan chapter on page 26, you say:

“Some day when all of the facts are collected, the story of the sale of the Liberty Loan, will be told, and it will be as hateful, as barbarous and as brutal as any event since the war contracts of the Spanish-American War.”

What investigation did you make of the facts surrounding the sale of the Liberty Loan?

A. Well, sir, that was a particularly sore subject at that time in Toledo, where I was. I was in very close touch with the labor unions over there, and I knew a large number of the men and women who were compelled to buy bonds against their own wishes.

Q. How many men did you know personally who were compelled to buy bonds against their wishes?

A. Well, I could not enumerate them.  
Q. Well, is there a dozen, or was there a dozen?  
A. Probably more than that.  
Q. Were there twenty?  
A. Possibly. I might also say that the New York "Call" had very extended stories at the time, describing such conditions.  
Q. You do not consider that an authority?  
A. Undoubtedly.  
Q. Well, were there one hundred which you knew personally, who were compelled to buy bonds?  
A. Probably not.  
Q. Probably not. How many were there subscribers to the loan?  
A. Several millions.  
Q. Several millions. And you have only given us three instances here: one of a girl who worked as an expert at \$100 a month. What was her name?  
A. I prefer not to state it.  
Q. You know her?  
A. I do.  
Q. Did she live in Toledo?  
A. In Pittsburgh.  
Q. Pittsburgh?  
A. Yes.  
Q. What does she work at?  
A. She was an expert on adding machines.  
Q. An expert on adding machines?  
A. Yes, sir.  
Q. And she got \$100 a month?  
A. I believe so.  
Q. And when she was approached she said if she had to buy a bond, she would give up her job?  
A. Yes, sir.  
Q. Nobody ever said to her anything else on the subject?

- A. Nothing more.
- Q. Was that in your opinion a sample of a "barbarous and hateful" coercion by the capitalistic class?
- A. That was an excellent example of industrial tyranny, only it didn't work out.
- Q. Only it didn't work out. Now the next little girl was one who was working for \$7 a week?
- A. Yes.
- Q. That was a pretty poor job?
- A. That was a Department Store job.
- Q. That is a pretty poor job?
- A. Pretty poor? That was about the average for a girl worker in the department stores.
- Q. Do you know that girl?
- A. I did not, but a friend of mine did know her in Cleveland.
- Q. And the friend of yours told you about it?
- A. Yes, sir.
- Q. And they took two dollars a week from that girl's salary?
- A. Yes, sir.
- Q. From that magnificent salary of \$7 a week they took the \$2?
- A. She subscribed two dollars.
- Q. She subscribed two dollars?
- A. Yes.
- Q. And then one day they took all the rest of it, for the Red Cross?
- A. She subscribed to the Red Cross that week.
- Q. And she, I take it, with this magnificent job, continued to work because she was afraid of losing it?
- A. Yes, sir, she was rather a young girl, and for a girl of her age, and experience, \$7 a week was good wages at that time.
- Q. That was a good job, was it?
- A. Well, it was about \$7 a week at that time, which

was about the average woman's wage.

Q. And the next one was a man with a family, sick for three months, who was advised that it would be wise for him to buy a liberty bond?

A. Yes, sir.

Q. Did you know that man?

A. I did, in Toledo.

Q. Did you know who advised him?

A. Yes, sir.

Q. And did the man who advised him, advise him it was a good thing, or bad, or what was the circumstances?

A. It was his immediate superior in his department.

Q. He came to him and told him that it would be a good idea for him to buy a bond?

A. Yes.

Q. Is that all?

A. Bearing in mind, all the time, the fact that he had ever before him what had happened to other people who did not buy bonds, so he bought one.

Q. So that in that instance the man who was his superior officer, or who was superior to him, came to him and said, "I think it would be a good idea for you to buy a bond?"

A. Something to that general effect.

Q. To the general effect?

A. Yes, sir, that is the idea, and that is conversation with the man who owns your job, remember that.

Q. Did the man who gave him this advice, know about the fact of his financial difficulties?

A. I do not know.

Q. So far as you know, he was not aware of the fact that this man was in debt, etc?

A. These matters are not taken into consideration in these cases.

Q. And they are not taken into consideration by you in writing these things, in this pamphlet, are they, that is you didn't make any investigation of those circumstances before writing this pamphlet?

A. I don't get you. I don't understand your question.

Q. I say, you did not make any investigation of the circumstances as to whether or not the man advised—the man who was advising this fellow to buy a bond, knew of the man's finances, his financial position?

A. I did not.

Q. Before you wrote the pamphlet?

A. I did not.

Q. So that you base this statement, practically, upon personal knowledge of possibly twenty to forty or possibly one hundred cases?

A. And the stories that were being told.

Q. Whereas the total number of subscribers were several millions?

A. And the stories that were being told in the newspapers and the Socialist paper, and some of them were in the New York "Call," and other papers that were telling the truth at that time.

Q. You believe everything that you read in the "Call?"

A. I don't believe everything I read in any newspaper.

Q. Not even in the "Call?"

A. Not even in the "Call."

Q. Well, you must have felt very sorry for these poor people all over the country who had been compelled to buy bonds?

A. That is the reason I wrote this pamphlet.

Q. You felt very sorry for them?

A. I thought that they had been seriously imposed on, yes, sir.

Q. And yet you wanted the Government to repudiate the bonds, didn't you?

A. Repudiation of bonds——

Q. Didn't you want the Government to repudiate the Liberty Loan, and didn't you so testify this morning?

A. I made no such statement, I said simply that the Socialist Party believed in the repudiation of all forms of indebtedness, and any indebtedness that enabled someone to live on other people's labors, and that included any form of indebtedness, whether public or private.

Q. And that involved these people whom you were telling us about here, who were compelled to buy these bonds? And you would like to see a government in the United States, that would repudiate the First Liberty Loan, wouldn't you?

MR. STEDMAN: I object.

A. That loan and all loans, public and private.

Q. In spite of the fact that that loan is held, as you have testified it was your belief, by millions of people who bought it under coercion?

A. A tiny fraction of it is held by them, the vast majority of it is held by the rich people, in my judgment.

These three and one-half per cent. bonds have been bought up in the past months by the rich people from those who originally bought them, bought up by these wealthy people for the purpose of escaping taxation.

Q. And it was disposed of by these same people at a pretty good figure, wasn't it?

A. Some of them were, I guess.

Q. Now on the next page, you state:

"When the Conscription Bill was introduced in the Congress, there was a general feeling throughout the

country that it would not pass. Even the press hesitated, so un-American was this bill, which clearly violated the spirit of the Constitution, and the traditions of American life."

Are you aware of the fact that the constitutionality of the Selective Draft Act has been sustained by every court before which it has been tried?

A. I am sir, but that does not in any way change my opinion of the bill.

Q. You, of course, are not trained in the law?

A. No, sir, but I have read the Constitution.

Q. You read to us yesterday from the speech by Daniel Webster, in the House of Representatives in 1814?

A. Yes, sir.

Q. And Judge Mayer brought out that that speech was made during a debate, the first day of the debate, I believe, upon that bill?

A. Yes, sir. And Daniel Webster told them that if they passed the bill he would go back and tell his constituents to refuse to support it.

Q. He did?

A. He did.

Q. Were you under the impression you were following in the steps of Daniel Webster during the Summer of 1917?

A. No, sir, I was not under the impression that I was impersonating Webster. But he was interpreting the Constitution, as I understood the Constitution, and I thought he was a good constitutional lawyer, and knew what he was talking about, and it sounded sensible to me, and I believed that it was sensible.

Q. Do you think it is the proper action for a man to take, to go back to his constituents and tell them not to obey anything that has become a law, that has been passed by Congress?

A. It is entirely up to the man himself, what he shall do.

Q. I say, do you approve of that?

A. Do you mean, did I approve of it in Daniel Webster's case?

Q. Yes.

A. If I felt that way, I would do exactly the same thing, in other words, I would live up to my beliefs.

BY THE COURT:

Q. The question that the District Attorney asked you was whether you favored that position, if it was so taken by Mr. Webster?

A. I answered, sir, that I believed that a man must live up to his convictions, and that if Mr. Webster believed that, it was up to him to go and do it. If you ask me whether I would go home and urge my constituents to violate the law, in that case I answer I cannot tell; as I feel at present I would not.

BY MR. BARNES:

Q. Let us have that speech of Daniel Webster. I want to see the language he used.

A. "I would ask, sir, whether the supporters of these measures have well weighed the difficulties of their undertaking. Have they considered whether it will be found easy to execute laws which bear such marks of despotism on their front, and which will be so productive of every thought and degree of misery in their execution? For one, sir, I hesitate not to say that they cannot be executed. No law professedly passed for the purpose of compelling a service in the regular army, not any law, which under the color of military draft shall compel men to serve in the army, not for the emergencies mentioned in the constitution, but for longer periods than for the general objects of the war, can be carried into effect. The operation of measures thus unconstitutional and illegal, ought to be prevented by a resort to other measures which are both constitutional and legal. It will be the solemn duty of the state governments to protect their own authority over their own militia, and to interpose between their citizens and arbitrary power.

These are among the objects for which the state governments exist, and their highest obligations bind them to the preservation of their own rights and liberties of their people. I express the sentiments here, sir, because I shall express them to my constituents. Both they and myself live under a constitution which teaches us that 'the doctrine of firm resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind' with the same earnestness with which I now exhort you to forbear from these measures, I shall exhort them to exercise their unquestionable right of providing for the security of their liberties."

And as I understand that, he meant that he would exhort his state government to oppose the national government in the enforcement of this law.

Q. Well, did you understand him to mean by that, that he would exhort them to refuse to obey the law, or counsel them to fight it in a legal manner through the courts?

THE WITNESS: May I see the pamphlet? (handed witness).

"Laws, sir, of this nature can create nothing but opposition. If you scatter them abroad like the fabled serpent's teeth, they will spring up into armed men. A military force cannot be raised in this manner but by the means of a military force. If the administration has found that it cannot form an army without conscription, it will find, if it venture on these experiments, that it cannot enforce conscription without an army."

Now if that does not support my statement, then the further statement that I read awhile ago, that "these laws, if passed, cannot be executed," seems to me does warrant the statement that I made that Mr. Webster proposed to go back home and agitate for resistance to this law.

Q. Now on page 29 you quote from the Chicago Tribune of June 6th, the day following registration, to the effect that the "draft success puts new life in New York market." Did you follow the prices on the

Stock Market, or do you follow them, or have you followed them during this period of time, from 1906 on down to date?

A. To the present time?

Q. Yes.

A. Yes, sir.

Q. You are aware, are you not, that prices of stocks reached their highest point about the 1st of December 1916?

A. Thereabouts, yes, sir.

Q. And that during December, Secretary Lansing made a statement, that we were on the verge of war. Do you remember that?

A. I don't recall that. No, sir.

Q. And that there was a break in the market immediately following that statement?

A. I don't recall that incident. No, sir.

Q. Now is it not true there was a break in the market about the 2nd of February, at the time of the severing of the diplomatic relations?

A. I quoted this from the Wall Street Digest, yesterday, "The upward movement in the price of stocks dates from the day that the German Ambassador at Washington, was handed his passports and although there have been slight temporary reactions, the movement has been fairly continuous from that day to this."

Q. Was not there a break in the Stock Market, quite a violent break on the date that the German Ambassador was handed his passports?

A. This, that I was quoting you here, was from the official organ of the Street, and tells of the general tendency of the stock.

Q. Was not there a violent break on that date, and was not there a drop of ten points in Steel?

A. I don't remember that.

Q. You don't remember that?

A. I don't remember that, I am simply quoting you from this statement here.

Q. On page 39, the second paragraph, you say:

"By July, 1917, the billboard enlistment campaign was couched in such words as 'The Regulars are in France, Join them Now.' 'Enlist immediately so as to fight on German and not on the United States soil.' The German autocracy was on the defensive; the American plutocracy had become the aggressor. The regular army had already been transported four thousand miles and a conscript army of a million men was in process of formation to wage an aggressive war in the interests of the British ruling classes."

Now, up to this point, as I understood your argument, the war was in the interest of the American ruling classes. Do you mean by that, that they were mistaken, and it was for the British ruling classes, or do you mean by that, that they were all working together?

A. I should say, sir, that the American banking and financial interests came to the rescue of the British banking and financial interests.

Q. So that the American plutocracy had got us into this war and did it to help the British ruling classes?

A. Yes, sir, they came to the rescue of the British financiers when they were at the breaking point, as I stated at an earlier section. Certainly it was a distinct help to the ruling classes of Great Britain when we joined hands with them.

BY THE COURT:

Q. Let me inject a question: When you wrote this about this advertising as seen on these various billboards, where was that?

A. That was in Toledo.

Q. I say, you had seen these billboards?

A. Yes, sir.

Q. Those billboards, putting the matter briefly, were appealing to enlist?

A. Yes, sir.

Q. That is to say, to enter voluntarily, as distinguished from entering under the Selective Service Law?

A. Yes, sir.

Q. And were there many such billboards in Toledo?

A. Well, they had one by the old post office and one by the new post office.

Q. In other words, it was pretty generally placarded?

A. Quite generally.

Q. Did they have recruiting stations?

A. Oh, yes.

Q. With men in the service of the Government, endeavoring to get volunteers?

A. Yes.

Q. Did you hear addresses in public places by civilians and soldiers, appealing to persons to enlist?

A. I don't think there were any such meetings going on, no.

Q. There was a general campaign?

A. There was a billboard campaign.

Q. All over the town?

A. All over the city, and the reason that I put it in here was because it was a campaign requesting men to enlist for the foreign war.

Q. And before you wrote "The Great Madness" did you see similar billboards in other parts of the country that you were in, do you claim that?

A. Probably, but I do not remember.

Q. You have no doubt they were in other parts of the country?

A. I presume there were, yes.

BY MR. BARNES:

Q. Now the next chapter is on page 40, entitled,

"Root and Balfour," and you speak there of—it is near the bottom of the page—"Elihu Root was sent to the democracy of Russia to warn them not to go too far in the direction of their democratic ambitions and ideals." You are referring there to the commission that was sent over by the Federal Government, the Federal Commission?

A. Yes, sir, to the Revolutionary Government.

Q. One of the members of the Commission was a Socialist was he not, Mr. Russell?

A. He was, yes, sir.

Q. Now he was the candidate of the Socialist Party for the Presidency of the United States, wasn't he?

MR. STEDMAN: I beg your pardon, it was for the Governorship of New York State.

Q. The Governorship of New York State?

A. He was.

Q. At any rate he was a prominent Socialist?

A. He was, yes, sir.

Q. And what information or data did you have, what inside "dope" as we might say, Mr. Nearing, on which you based your statements that Root was sent there to warn them not to go too far in the direction of their democratic ambitions and ideals?

A. Well, I had the speeches that Root and the other members of the Commission are reported to have made after they had got over there.

Q. Now at page 42 you were telling us what the American business interests had won, you say: "They had won the right to send a million Americans to the trenches of France to fight for the poor Belgians, for Lombard Street, Wall Street, and King George of England." Lombard Street—what do you infer by that?

A. I mean the financial section of England.

Q. That is the Wall Street of England, I suppose?

A. Yes, sir.

Q. And the next, you say in the next paragraph:

"They had established a spirit that permitted children to go back into the factories from which years of incessant labor had rescued them; women to take men's jobs at a fraction of the wage, and the standards surrounding the labor of men to be lowered."

Now will you please tell us what data you based that on?

A. I based that on the data—well, there are three different statements there.

Q. All right, take the first one: "Children to go back into the factories."

A. The first statement, or rather the—yes, the first statement was based on the fact that immediately after war was declared there was a general campaign inaugurated all over the country in the big industrial states, to abrogate the law, set aside the laws regarding the work of women and children, and the Federal Children's Bureau and the National Child Labor Committee both went into that question and both of them made reports regarding the increase of the employment of children.

Concerning the second statement regarding the wages of women, the committee presented data of the situation in that regard, showing that women entered into these various situations at a wage scale much lower than that which was the standard wage of the men.

And the statement as regards the excessive hours of labor and the like, referred to war work that was being done overtime.

Q. Now are you familiar with the article in the American Labor Year Book of 1917-1918 at pages 16, 17 to 20, by Mr. Solon DeLeon, which covers these particular questions?

A. No, sir, I am not familiar with it.

Q. Well, are you familiar with the attitude taken by President Wilson and by the Federal authorities with regard to this lowering of standards of labor, and the employment of child labor in the factories, and the use of women at a fraction of the wage? You are familiar with that?

A. As I recall, they were strongly opposed to it.

Q. They did successfully oppose it?

A. They did not successfully oppose it.

Q. They did as far as the Federal enactment was concerned?

A. They did not oppose it as far as the factories were concerned.

Q. Did not they as far as the Federal law was concerned?

A. That I do not know; but I know that statistics have recently appeared covering that particular period, showing that child labor has increased decidedly during the war. I might also say that the minimum standards of the working classes have been lowered also.

Q. Do you know there has been any systematic lowering of it?

A. There has, yes, sir.

Q. In the factories, do you mean?

A. Yes, the child labor, especially in factories, has increased greatly.

Q. Are you aware of the fact that Governor Whitman of New York vetoed a bill, the Brown Bill, on that same subject?

A. I don't remember when he vetoed the bill.

Q. Then this article in the American Labor Year Book which covers the period from March to September, is not, or is it, in your opinion, an exhaustive statement of the legislation on these points?

A. Well, sir, I have not read it and I cannot say.

Q. How many states were there that altered their laws to your knowledge?

A. That I do not remember.

Q. Well, what States did?

A. I have not the data, I could not give you any particular case.

Q. Of course the labor authorities did oppose it vigorously, did they not?

A. Oh, yes, you mean the labor unions?

Q. Yes.

A. Well, I assume so, yes.

Q. Well, they did, didn't they? Don't you remember they did?

A. Well, there was opposition, I don't remember whether they did it.

Q. Did you know that on April 7th, the Council of National Defense approved resolutions drawn up by the advisory committee on labor, of its advisory commission, urging upon the legislatures of the States as well as all administrative agencies charged with the enforcement of labor and health laws, the great duty of rigorously maintaining the existing safeguards as to the health and the welfare of the workers; but also urging upon the legislatures that before final adjournment they delegate to the Governors of their respective States, the power to suspend or modify restrictions contained in their labor laws, when requested by the Council?

MR. STEDMAN: You are reading from page what?

MR. BARNES: Page 16, at the bottom of the page.

Q. Did you know that?

A. No, sir, I don't remember this, not these specific details.

Q. Did you know that on April 23rd the "Secretary of Labor Wilson had a conference of Cabinet

Officers and Labor representatives, explained the position of the Council of National Defense to be that the standards that have been established by law, by mutual agreement or by custom, should not be changed at this time." Did you know that?

A. I said that I knew that the Government took that position, I didn't remember the specific details.

Q. Did you know that Secretary Daniels had taken the same position?

A. I do not remember the special officials. I know the Government officially took that position.

BY THE COURT:

Q. Prior to your writing the publication, "The Great Madness," did you know of any law that had passed the Congress of the United States which in any manner had changed the wage standards of laboring people?

A. No, I believe Congress passed no such law.

BY MR. BARNES:

Q. As a matter of fact, Congress did pass a Child Labor Law, did it not, which was afterwards declared unconstitutional?

A. I think that was passed before the 1916 Election, because I think that the Democrats used that in their election propaganda.

Q. I think you are right. It was before—between 1914 and 1916?

A. Yes, sir, I think about in 1916.

Q. Now, at the bottom of page 43, Mr. Nearing, you say, "Today, in all parts of the United States they are banding themselves together politically and industrially. They are organizing. They propose to make the world safe for democracy." Whom did you mean by "they"?

A. That is answered in the paragraph above—"The People of the United States."

Q. The people of the United States?

A. Yes, sir.

Q. And to what political and industrial bands or organizations do you refer when you said they were organizing?

A. Why, I was referring to the growth at that time of the Socialist Party in membership, it was growing at that time, and to the growth of the trade unions, they had grown, and they were growing a great deal at that time, and have grown very much since, also to the growth of the Non-Partisan League, the Farmers' movement, which was growing very rapidly at that time.

Q. Now you say at the top of the next page, "The struggle must begin in the United States." Did you mean by that, that the pressure of the plutocrats in the United States was the first step that the people were to take to make the world safe for democracy?

A. Yes, sir; if we are going to have democracy in the world, we have got to begin at home and have it at home.

Q. Did you mean that they should undertake that immediately or that they should wait until the end of the war?

A. Well, in my judgment, the war is an incident to the economic conflict, because I believed the working class had to keep on, during the war and before the war and after the war, in preserving their own standards and safeguarding their own rights.

Q. You mean then that they should undertake that while the war was on, or whether they should postpone it until the war was over?

A. Certainly, they should work at it all the time. The problem of establishing industrial democracy is a problem that goes on continually with the wage earner; it has gone on before the war, it has gone on during the war and it has gone on since.

Q. And when you sent this manuscript, "The Great Madness" to the Rand School, you realized if it was published, it would be distributed and circulated, didn't you? Throughout the country, didn't you?

A. Certainly.

Q. And that it would come into the hands of men who were subject to induction into the army under the Selective Service Act, men between twenty-one and thirty?

A. I suppose so.

Q. And you wanted to persuade your readers to your own point of view about the war, didn't you?

A. I wanted to present to my readers my opinion regarding the whole incident of the war, yes, sir.

Q. And you did that for the purpose of persuading them?

A. If they saw it my way, I expected them to accept it.

Q. And you wanted them to accept it, didn't you?

A. Yes.

Q. You wanted them to believe this way, that this was an unjust war, didn't you?

A. I wanted them to believe that this was a capitalist war.

Q. And that it was an unjust war?

A. As all wars are unjust, yes.

Q. You wanted them to believe that it was waged in the interests of selfish plutocratic classes, didn't you?

A. Primarily so, yes, sir.

Q. And that it was not a war to make the world safe for democracy, was not that what you wanted them to believe, that it was not a war to make the world safe for democracy?

A. I did not then believe that it was a war to make the world safe for democracy, and I wanted other

people to see that it was not a war to make the world safe for democracy.

Q. You wanted these people to read your pamphlets?

A. I wanted the people to read the pamphlets and realize that it was a war that was being continued by the plutocrats, and for their own selfish ends to fasten their hold on the American people.

Q. And you used the best arguments that occurred to you to prove your point?

A. Yes, sir, I got the best data I could.

Q. Did it occur to you that you might persuade some of your readers to your point of view?

A. I hoped somebody, after they read it, would see my point of view.

Q. You thought they would, didn't you?

A. They usually do, some of them.

Q. You thought your arguments were pretty good, didn't you?

A. I still think so, and I did then.

Q. Was it your belief, or was it not your belief, that if it might persuade, that is, if you might persuade by your pamphlets, some of these people to your point of view with regard to the war, men who were within the draft age, and who were subsequently inducted into the army, that they would become insubordinate?

A. I should say on the contrary, sir, that the millions of socialists who fought in this war, and who held that view, were not any less insubordinate than the other fellows, certainly not more so.

Q. Yes, but I know, they were not American soldiers, were they?

A. No, but a Socialist is a Socialist, whether he speaks American or French. The Socialists who had been fighting in the war, to my knowledge, were just as reliable as the other fellows they were fighting with

in the war. I see no reason to believe that a man who had these convictions would make any worse soldier—I think he would make a whole lot better brother for the great brotherhood that is coming later on in the world—but I do not know that he would be any worse as a soldier in this country.

Q. Don't you think and didn't you think that a man believing this way, that the war was a selfish capitalistic war for the capitalistic interests, and that he was being brought into it, that he would be apt to be disloyal to his country, in the sense of the word ordinarily used, of the word disloyalty?

A. On the contrary, I know many men who were drafted and went, and others that certainly had that point of view in their minds.

Q. And you did hope, that by reading this, they would get your point of view about the war then, and then you say you think that they would be just as loyal soldiers?

A. I was not attempting to make either loyal soldiers or disloyal soldiers.

Q. I didn't ask you that sir, I asked you whether you gave any thought to the subject?

A. I don't recall that I did.

Q. Then you did not think anything about it?

A. I don't recall that I did.

Q. Did you not believe, Mr. Nearing, that this pamphlet would probably fall into the hands of men who were debating as to whether or not they would enlist in the army, voluntarily?

A. I had no such knowledge either way.

Q. Didn't you think about it?

A. I do not recall that I did.

Q. That never occurred to you, is that right, it never occurred to you?

A. I don't recall that it did. I might say again,

Mr. Barnes, that I wrote this pamphlet, to try to educate people. I had no particular point of view with regard to men or persuading soldiers or anybody else, I wanted the people to understand what was going on.

Q. But you would feel, would you not, that if this were to fall into the hands of a man who was contemplating enlisting, was turning the matter over in his mind, and he was persuaded by your arguments, he would not enlist, you feel that way about it? That would be its natural effect, wouldn't it?

MR. STEDMAN: I want to object to that as incompetent, irrelevant and immaterial, and improper.

THE COURT: He may ask him if that was his belief. Did you so believe?

THE WITNESS: I don't recall that I had any such belief, no, sir. In other words, I was not aiming this pamphlet particularly at the army. If I had been, I would have printed a different kind of leaflet. I would not have sold it through the Rand School where it went out for general circulation to a very small number of people, about 20,000.

Q. Went out to a group of people, however, who were subject to the draft?

A. Possibly. I was not in a position to know whether they were or not, sir.

Q. To a group of people who would be eligible to enlist?

A. Possibly. I was not in a position to know that either, any more than I would know whether one of my text-books would be read by man, woman or child, whether they were under forty years of age, or over forty years of age.

Q. Do not you know, that most of the Socialists in this country are between the ages of 18 and 40 years?

A. I have not ever seen a statement as to their ages.

Q. Don't you know that as a matter of fact, that most of the Socialists in this country are between 18 and 45?

A. Most of the people in this country are between 18 and 45.

Q. And most of the people who are in the circle of your acquaintance are between the ages of 18 and 45?

A. I am also between 18 and 45.

Q. And so am I.

A. And most of your friends are between 18 and 45 then, I may assume.

Q. You still feel that you were right in the position you took, in this pamphlet, Mr. Nearing?

A. I certainly believe—I do believe that the American plutocracy wanted the war, and they advocated it, and made the war, and they had the war, and it was an imperialistic war, for the purpose of enhancing the imperialistic point of view in the United States.

Q. You still believe, do you, that you were right in the position that you took in this pamphlet?

A. That was the position of the pamphlet.

Q. Cannot you answer the question yes or no, then?

A. Well, the trouble in answering a question like that yes or no, is that my own position in the pamphlet may be is not clear, and I wanted to state my position in the pamphlet.

Q. You think that your position in the pamphlet is not clear?

A. It seemed to me that it was, sir.

Q. I think it is very clear. You still believe you were right in the efforts you made to spread this view among the people during the Summer of 1917?

A. Yes, sir, I believe that is the correct view, for the people of the United States to take.

Q. You think you were right in spreading it?

MR. STEDMAN: He has said so.

THE COURT: He has not yet.

THE WITNESS: Yes, sir, I thought I said yes.

Q. Well, would you again, in case we had another war, advise them in the same way?

MR. STEDMAN: Oh, I object to that as highly speculative as to whether he would do it again.

THE COURT: Objection sustained.

MR. BARNES: That is all.

THE COURT: I will ask you a few questions so that you may on redirect ask him any questions that you desire.

BY THE COURT:

Q. Now, did you follow, that is, with reasonable care, the different events, such as the declaration of war and the passage of the selective draft act, etc.?

A. Yes, sir, I followed them very carefully.

Q. Very well. Now, of course, you realized, when you wrote this pamphlet, that war had been declared, on the 6th day of April 1917?

A. Yes, sir.

Q. You remembered, when the selective draft law was passed and became an act? Perhaps I can help you. Was it May 18, 1917?

A. Yes, I remember the 5th day of June was the registration—yes, May, 1917.

Q. And you remember that under the statute, the 5th day of June, 1917, was designated as the day for registration of those subject to the draft under the Presidential rules and proclamations?

A. Yes, sir.

Q. And that the method of draft was, to briefly state it, choose the men by numbers which were chosen by lot?

A. Yes, sir.

Q. And that there was an elaborate machinery, which was arranged by the appropriate federal officials in respect to the induction of men into the army, that is to say, local boards, district boards, and the Provost Marshal's rules and regulations, and the like?

A. Yes, sir.

Q. And do you know when the actual induction into the army began under the selective draft law?

A. I do not remember, sir.

Q. Well, you recall it began, if my recollection is right, in September, 1917, is that correct?

MR. BARNES: I think it is in August, probably the end of August or beginning of September.

Q. Well, August or September, then you remember that, do you not?

A. I noticed it at the time; I do not recall the date.

Q. Now intervening the time, between the passage of the Selective Draft Act and the time that you wrote "The Great Madness" had you noticed that there were appeals for the enlistment and volunteer service—I think you gave some statement about that.

A. I noticed it, yes.

Q. And during that summer, where were you? In the early part in Toledo and in the later part in Chautauqua, New York?

A. Yes.

Q. At some time, to some extent you knew, I assume, that the Government was doing all in its power to get men to go into the army forces, the military and the naval, through the agency of voluntary enlistment, did you not?

A. Yes, sir.

Q. And that method was carried out by the billboard advertisement type of campaign that you have referred to, and by public meetings, was it not?

A. Yes, sir.

Q. And at these public meetings, various persons spoke to the point of endeavoring to have persons volunteer and enlist?

A. Yes, sir.

Q. Did you know that while there was a general concurrence in spirit and action throughout the country, of obedience to the Selective Service Act, that there were some who were disposed to dispute it?

A. Yes, sir.

Q. Had you kept in touch, and any track of the public trials of those who were charged with disobedience in one form or another of that act?

A. Why, I don't recall that any came before the writing of this pamphlet. Of course, I have observed the conscientious objector since,—I don't know whether the issue had been raised then or not.

Q. Well, there were some, but that is neither here nor there. Well, did you know that there were those throughout the country who were not obeying the law, but who were acting in opposition to the act?

A. Yes, sir.

Q. And did you have all of this information to which I have referred in my questions, and which you have answered, before you, or in your mind, at the time that you wrote this pamphlet?

A. Probably, yes, sir.

Q. I mean to say, you were fully cognizant of that situation?

A. Yes, sir.

Q. And did you have any knowledge as to whether there were any males of any age, who were in the mental position of doubt in regard as to what course they should pursue in respect of service in the army?

MR. STEDMAN: That I want to object to as incompetent.

THE COURT: He can say yes or no.

MR. STEDMAN: Exception.

A. Yes, sir, I did know that fact.

Q. Had any such persons come within your personal observation?

A. They had.

Q. That is to say, you know actually, male human beings who were, to put the matter in colloquial language, "on the fence" as to service?

A. Yes, sir.

MR. STEDMAN: Just a moment, do not answer until I get a chance to object to the questions, especially those that relate to special incidents. I would like to have the benefit of an objection to that last answer if I may have, which I suppose will be overruled and then I would like the benefit of an exception. I am objecting to the special instance that may be in a man's mind.

THE COURT: Very well. We will put it generally.

Q. What was your general information, of action taken by John Jones, or by Peter Smith?

MR. STEDMAN: The point I have in mind is this, that a man might know someone among his acquaintances, he might be writing a book, and he might impersonate that man, and that would suggest the answer to any such suggestion as that.

THE COURT: I think you may be right as to that and that is the reason I changed the question to the general question.

Q. Was it your belief at the time that there were those in the country, repeating the colloquial expression, who were "on the fence" as to whether or not they should volunteer and enlist in the armed forces of the United States?

A. Yes, sir.

Q. That is your belief?

A. Yes, sir, that there were such people.

Q. That there were such people?

A. Yes.

Q. Do you know whether or not there were people who were, for one reason or another, resisting the Selective Service Act, refusing, upon one ground or another, to obey its provisions, insofar as induction into the service was concerned?

A. Yes, I remember that particularly in the Southwest.

Q. You knew there were such?

A. There was such agitation.

Q. By knowing, of course, I mean in this case information that you gathered from reading the papers, of conversations, or any other method of getting information?

A. Yes, sir.

Q. Did you believe at this time, that there were people in the United States, who were resisting, I don't mean resisting by argument, I mean actually resisting by refusal to obey the selective service act upon one ground or another?

A. Yes, sir, there were such, I believe, particularly in the Southwest. There was a great deal of agitation at that time.

Q. Did you have any such information, that is, of such position on the part of the persons subject to the provisions of the act in other parts of the country?

A. I think the Becker trial took place in New York, I don't remember when. I remember that specifically, that is a case, but I do not remember whether there were any other illustrations that came up at that time or not.

Q. You are now referring to the trial of Becker and Kramer?

A. Becker and Kramer.

Q. Do you remember any other public trial?

A. I suppose there were trials at the time, but I have forgotten.

Q. There were, if I understand you correctly, at the time you wrote "The Great Madness" that is, that you knew that fact, that that was a fact at that time, and it was your belief that there were in the country those who opposed by refusal to obey the selective draft act and those who were debating whether or not they would volunteer or enlist in the armed forces?

A. Yes, sir.

DIRECT EXAMINATION BY MR. STEDMAN:

Q. You wrote that pamphlet when?

A. Probably in June, July, and August.

Q. The Becker trial took place in September, three months after, so you did not have that in mind?

THE COURT: You are not correct as to that, you are in error as to that statement.

MR. STEDMAN: When was it?

THE COURT: The Becker trial took place in July of 1917.

MR. STEDMAN: What part of July, do you know?

THE COURT: It was either at the end of June or the early part of July.

A. I might say, Mr. Stedman, that I do not recall those events in the Summer in any clear sequence. I remember instances, but I do not remember the sequence.

Q. The resistance in the Southwest, I suppose you have in mind the instance in Oklahoma, haven't you?

A. I think it was in Oklahoma.

Q. Do you know when that took place?

A. I don't remember.

Q. You don't remember whether it was before this pamphlet was ever printed or not, do you?

A. No, sir.

Q. Do you recall now that you had that intent in mind, at the time you were writing any part or portion of "The Great Madness"?

A. No, sir.

Q. The registration was in June, on June 5th, and the first call was in August. Let me ask you whether the incident in Oklahoma of the dozen or two who had resisted there, was not after the call?

A. Well, I do not know. I have no recollection as to the exact date. I have a recollection that the papers carried a great many stories, I think it was about Arkansas and Oklahoma. I remember reading the stories, but I do not remember the dates.

Q. Now then, referring to the people that you inquired about, who were "on the fence." Were they on the fence, to your knowledge, because of any judgment based upon the cause or the reasons of the war, or because of conscientious doubts, or by reason of fear or other things of that sort?

A. I knew a number of people who have since become conscientious objectors, who were then not conscientious objectors.

Q. And a conscientious objector would not be caused by your pamphlet?

A. I am saying, that I took the position throughout of always refusing to advise anybody. I stated—and I stated this to Government agents, who came and asked my advice, that I did not—that I would not advise any other man as to a matter of conduct in so important a case. I carried that to the extent of never advising a man even to jeopardize his job. I think it is up to a man to make up his own mind on those matters. I think it is a matter on which he must come to his own conclusions.

Q. You stated something about some of your evi-

dence, that is some of the facts upon which you based your pamphlet, not being here. Was your home raided or searched?

A. By a United States Government official, yes, sir.

MR. BARNES: You mean raided? What do you mean by raided?

MR. STEDMAN: I mean you came in and helped yourself without so much as an invitation, or a suggestion that you were violating a man's home or his castle.

MR. BARNES: I object to any such questions. I object to the question and move to strike it out. I understood the term "raided" as he was using it, meant to convey, searched by virtue of a search warrant.

THE WITNESS: They brought a search warrant with twenty-six sections in it, Mr. Barnes.

THE COURT: The question can be amended so as to limit the answer.

MR. STEDMAN: I will change the question.

MR. BARNES: Was your home searched under a warrant?

THE WITNESS: Yes, sir, with twenty-six sections in the warrant.

Q. They came there with a warrant?

A. Yes.

Q. And they took away, did they take anything away with them?

A. I was not home at the time, I was in Chautauqua at the time, and my home was in Toledo, and they took away a great deal of stuff.

Q. Any data that was used for this? Have you asked them to return any of it?

A. They returned the material, about three, or four months ago, I think.

Q. Well, have you had occasion to go over the data since its return, since they have returned the material?

A. The material that they returned?

Q. Yes.

A. I have not.

MR. BARNES: Was there any of the data that I asked you for on cross-examination in this stuff that the employees of the Government took away from you?

THE WITNESS: Probably not. I would like to say in reply to that question, Mr. Barnes, that in writing a pamphlet of this character, I ordinarily have a number of reference works like statistics and abstracts and the World Almanac and various other reference works, to refer to, and when I get together a particular body of information I cannot say two years afterwards where I got it all.

Q. Your attention was called this morning to a paragraph in the platform of the Socialist Party. That is distinguishable from the proclamation and war program, is it not?

A. Yes, sir.

Q. Do you know whether that section that was referred to, upon bonds, was eliminated from that platform?

MR. BARNES: That is objected to as incompetent, irrelevant and immaterial.

MR. STEDMAN: You have read it as though it was a necessary document to be introduced in this case.

MR. BARNES: I have read a portion of it, and I have asked him if he agreed with these various parts, and asked him for his frame of mind in regard to them, and it is immaterial whether the party changed his position on that or not later; we went into it simply to get his frame of mind in 1917.

**THE COURT:** I agree with your proposition. At the same time, in order to clear the proposition up, I will allow the answer.

**Q.** I will just ask you, Mr. Nearing, do you know whether, as a matter of fact, when that was circulated by the party, that clause was omitted?

**A.** I believe it was; yes.

**Q.** I understand you to say, in regard to Webster, I understand that while you would not adopt that course as you understand it, yet the man was to do what he personally thought was right?

**A.** Yes, sir, I think one of the most important things is that a man should live up to his convictions.

**Q.** At the time you wrote "The Great Madness" do you recollect that "The American Socialist" had a circulation of a couple of hundred thousand?

**A.** Something like that, yes, sir.

**Q.** Do you recall at that time, that is in August particularly, or July, there were a large number of meetings, at least in the Middle West and the West, and petitions requesting Congress to repeal the Selective Draft Law?

**A.** Yes, sir.

**Q.** Do you know whether the petitions were quite general?

**A.** Yes.

**Q.** Do you know whether the pages of that paper are open to you?

**A.** "The American Socialist?"

**Q.** Yes.

**A.** They were.

**Q.** You could have written a pamphlet against conscription—I mean in opposition to the draft law, or in opposition to recruiting and enlistment, and also to the creating of insubordination and disloyalty, and assuming that that accorded with the views of the

publisher, they would have furnished you the avenue of publication, wouldn't they?

MR. BARNES: I certainly object to that question.

THE COURT: I do not see how that is material.

MR. STEDMAN: It has this significance, I want to call attention to the facilities for publishing his views in a way that it would have gotten before the public in a paper where in a publication of 46 pages, in a leaflet, it would not, naturally get so fully into the hands of the people who would be likely to resist the selective act, or enlistment. If that was his purpose, it would be done by a circulating medium that would have 200,000 readers at least, and not such a limited number.

THE COURT: Objection sustained on the ground it is immaterial.

MR. STEDMAN: And argumentative.

THE COURT: I am glad you added another ground.

Q. Were there other papers at the time that you were writing for?

A. Well, I do not write for any paper regularly, but I wrote at intervals for a number of them.

Q. And your "Great Madness" was sold for ten cents a copy, wasn't it?

A. I believe so, yes, sir.

Q. Speaking of Child Labor Laws, there were quite a number introduced, that is, bills to repeal the operation of the Child Labor Laws, weren't there?

A. They were quite generally introduced, yes, sir.

Q. And it was during the war?

A. Immediately after it broke out.

Q. And the Child Labor Law was declared unconstitutional, that is, the National Child Labor Law?

A. Yes, sir.

Q. That was the law to prohibit interstate commerce in child labor manufactured articles?

A. Yes, sir.

MR. BARNES: But it will be re-enacted again, though.

MR. STEDMAN: Oh, no, it will be in quite a different form.

MR. BARNES: For the same purpose, however.

MR. STEDMAN: The court has not passed on it yet; it may go the same way as the other.

Q. You were asked a question this morning and I want to call your attention to what you were asked in regard to some council here, some Workingmen's Council, or People's Council, and Mr. Barnes interjected, following it along with a question, and asked you whether you had any relation or kinship with the Workingmen and Soldiers' Council in Russia?

MR. BARNES: I do not mean to charge that it had any immediate relation.

MR. STEDMAN: Was of the same character and kind.

MR. BARNES: That is what I meant, yes.

Q. Do you know of any analogy between the two?

A. Why, as I stated this morning—

Q. First, I want to ask you were you a member of any such council?

A. Of the People's Council?

Q. Called the Peoples' Council, and that had no relation to any policy or program or anything in line with the Soviets, did it?

A. Well, except that they advocated a certain line of publicity with regard to: no annexations and no indemnities, and free development of all peoples. That is one of the planks in the Council, I believe, and that was one of the planks in the Soviet Government platform.

Q. And if you recall, was not that adopted also and has not it been adopted also by the Kerensky Government?

A. Yes, it has, and by the Revolutionary Government of Russia.

Q. And that was adopted later in the phraseology, that very phraseology, by the President?

A. Yes.

Q. Of no annexations and no punitive indemnities?

A. He used those phrases.

Q. And it started with the Socialist Party?

A. In the United States.

Q. And the Peoples' Council took it up, and then the Russians, and then the President?

A. Yes, sir.

Q. And yet it originated with the Socialist Party, this very declaration?

A. Yes, sir.

Q. And what I am directing your attention to is this: the Soviets have an economic program and purpose, and as I remember it, the Russian Government was locally Soviet, or the all-Russian Soviet?

A. Yes.

Q. Now has this People's Council anything, in any character, kind or object with them?

A. No, sir.

Q. Does not deal with the economic problems at all?

A. No, sir, it was a propaganda, organized for the discussion of public policies.

Q. And those public policies were what?

A. As I stated them this morning.

Q. What were they, you may state them again?

A. I stated them this morning, and they were: to state the terms of peace, upon which the allies were willing to open negotiations; second, to preserve the

civil liberties; and third, the maintenance of economic and industrial standards.

Q. Do you recall that you were actually a member of the Civil Liberties Bureau?

A. I do not, I think I told Mr. Barnes this morning that I was not certain on that point.

THE COURT: Have you refreshed your recollection since recess on that?

THE WITNESS: Well, I have been told—I tried to look it up, but I was never officially connected with the organization; but I remember sitting in at some of the executive committee meetings, probably unofficially.

Q. You understand, as a Socialist, or do you mean as a Socialist, in using the term "resistance" the abandonment of the legal proceedings?

MR. BARNES: I object to that, if the Court please, upon the same grounds.

MR. STEDMAN: It does not come exactly the same now, your Honor, because it has been brought out now that the Socialist Party never used that platform when they sent it out, not in the form that it was read to the witness on cross-examination.

MR. BARNES: Well, I object to it. On cross-examination I endeavored to get this witness's understanding of the platform and his counsel objected at that time. Now his counsel is endeavoring to bring it out, and I now must make the same objection.

MR. STEDMAN: I will withdraw the question and I will give you another chance to object again. I will frame another question.

Q. Do you mean by the term "resistance" the forcible and unlawful opposition to the execution of or compliance with the law?

MR. BARNES: That is objected to.

THE COURT: Is the word "resistance" used in

"The Great Madness" anywhere?

MR. STEDMAN: No, it is used in the platform.

THE COURT: I understand, but I would allow you to ask him to tell about that, if it occurred in "The Great Madness."

MR. STEDMAN: I rather think it appears somewhere in "The Great Madness" but if "resistance" doesn't appear there I am somewhat surprised that the word is not there.

Q. Do you recall the word "resistance" occurring there anywhere, Mr. Nearing?

A. I don't remember it.

Q. Well, find a page where that word is found, if you can.

MR. BARNES: I don't think you will find it.

MR. STEDMAN: If you say, Mr. Barnes, that the word resistance was not used there in "Great Madness," very well.

MR. BARNES: I do not think it was.

A. It is on the title page of "The Menace of Militarism."

MR. STEDMAN: Good. You offered that in evidence. Now, your Honor, I will repeat the question.

MR. BARNES: That is in a quotation from Woodrow Wilson.

MR. STEDMAN: Yes, and he adopts that phraseology.

Q. I am not asking you what Mr. Wilson meant, I cannot do that, but I will repeat the question that I put to you before: Do you mean by "resistance" a forcible resistance to the execution of the law or to appeals to the law?

MR. BARNES: I object to what he means by "resistance." If he wants to give his side of what he thinks Woodrow Wilson meant, to express his idea of this particular quotation, where he says, "if we

have forgotten how to object, how to resist," etc.

MR. STEDMAN: Of course, if you object, why I am not asking him as you seem to think to put the interpretation on what Woodrow Wilson had in mind, I am not asking him to interpret Mr. Wilson's mind.

THE COURT: I do not see that the witness's definition of "resistance" would be relevant to the controversy unless it appeared in "The Great Madness," or one of his other works. Or, unless in the course of his examination he had taken some position as to resistance. I do not understand that he did that.

MR. STEDMAN: What I am endeavoring to do, of course, is apparent. The word "resistance" is used in the document that goes before this jury. And it is well enough for us to speculate on the distinction and difference in a definite line of evidence, but the meaning that a word may take on, even when special stress is laid upon it, may be very different when it has not been properly defined to begin with. It may take on a different meaning, than it is likely to if the District Attorney should argue in the future, that he was advocating "resistance to the law," and "resistance to this and that and the other thing," his interpretation of that term, and I want to show that the defendant had by that, no such sinister meaning, but that he meant open resistance by legal means, which are open to any man under the constitution, and which is not the sinister meaning which would be attempted to be argued into it if we did not have the proper definition before us.

MR. BARNES: The point about that is, that this is a question that the witness had been questioned about by the Government, and he testified to it before lunch. After lunch—I object to his telling about it now.

Q. Do you believe in resistance to compulsory

military training and to the conscription of life and labor, resistance being an open and unlawful violation of the law?

A. I do not.

Q. Mr. Barnes asked you whether you knew that munition contracts were let to the lowest bidder. I believe you answered and said that you did not know. Is that the answer?

A. No, I did not know about the awarding of contracts.

Q. You were asked in regard to the referendum taken as a result of our entrance into the war. Do you know as a matter of fact, that public action or referendums were taken, and that you have referred to them? Let me call your attention, perhaps to two instances where in Maine and Dakota referendums were taken.

MR. BARNES: He mentioned those in his pamphlet.

A. Yes, they are in the pamphlet.

Q. They are in the pamphlet, I believe?

A. Yes.

Q. That was a postal card referendum taken by Lundeen, for one—

THE COURT: Those were unofficial?

MR. STEDMAN: Those were unofficial, if your Honor please. It was taken by sending a letter inclosing a return postal card to the voters in the district and getting returns.

Q. Are you familiar with that, how that is done?

A. There is a statement to that effect in "The Great Madness." I recall that, and there were Minnesota, and I think there was one in Massachusetts, one in Ohio and one in Wisconsin, and I do not remember the other instances, but they were overwhelmingly against the entrance of the United States into the war.

Q. Do you recall there was one in Maine also?

A. I do not remember that particularly.

BY THE COURT:

Q. Of course, in these unofficial referendums, you don't know to whom they were sent, or how broadcast they were, or what, do you?

A. No, there were quite a number of cases the Congressmen sent—took a section right out of his or their constituency, and sent to every voter in that particular constituency.

Q. You do not know whether it was a Congress district wide referendum, or the extent of it, or how absolutely impartial it was?

A. In the case of Lundeen, he got 8,800 answers back, I don't know how many he didn't get back, but eight thousand of them were against entrance and eight hundred in favor of it, a ratio of ten to one, as I recall.

Q. You don't know how many people did not answer the Congressman's letter, do you?

A. No, sir, no evidence on that point.

BY MR. STEDMAN:

Q. Do you know what total vote there is in Lundeen's district?

A. I do not.

BY THE COURT:

Q. Where did he come from?

A. Minnesota.

BY MR. STEDMAN:

Q. Speaking of the War of 1861, do you recall as a matter of historical knowledge, that the issue of the war was a political issue, prior to even the nomination of Abraham Lincoln in the Douglas-Lincoln debates?

A. Yes, that was in 1858.

Q. That was the issue, wasn't it, throughout, the North, made very clear at that time, and the anti-

Secessionists of the North won that election, did they not, that is, opposed to secession, in the North?

A. Yes, sir, in the electing of Mr. Lincoln, that was won by those opposed to secession, yes.

Q. Mixed up of course with debate, that is, between those opposing and in favor of slavery?

A. Yes, sir.

Q. And in the army that they were enlisting, there were those who were not opposed to secession, but those who went into the army because they were opposed to slavery?

A. Yes, sir, both of the issues were very prominent in the enlistment campaigns.

Q. Some went in on the loyalty issue and the nationalism issue, and others went in on the Bill of Rights, or Civil Liberty issue, that is, one went in for one reason and others went in for other reasons?

A. Yes, sir.

Q. And in 1848 with Mexico, in that war, do you recall that that was also a political campaign fought out on that issue and that Lincoln was one of the opponents in carrying on the campaign against President Polk, during that time?

A. During that war, yes.

Q. Do you remember before the entry into the war there, that that was a campaign issue?

A. Yes, sir.

Q. And it was developed through a desire for the adding of one more State, that is one more of the States to the one side, to strengthen and maintain its economic position?

A. Yes, sir.

MR. BARNES: Do you mean does this witness recall that fact?

MR. STEDMAN: No, does he know it as a matter of historical information, of course you do, but the

rest of us do not.

Q. And the war issue of 1916 to the extent that it developed itself in the United States, placed the Democratic candidate in the position of anti-war candidate?

MR. BARNES: That is objected to on the ground that it is argumentative and not proper.

THE COURT: Objection sustained.

MR. STEDMAN: I do not think of anything more, I think that is all, Mr. Nearing.

MR. BARNES: That is all.