

# DEBS' SENTENCE CONFIRMED BY SUPREME COURT

## SENTENCE UPHELD

Socialist Leader and Former  
Presidential Candidate Whose  
Ten Year Imprisonment Pen-  
alty Is Confirmed.

### Base Action on Speech Obstructing the Draft; Pass Two Counts.

Washington, D. C., March 10.—Convictions under the espionage act of Eugene V. Debs, Socialist leader, and Jacob Frohwerk, a newspaper editor of Kansas City, were sustained today by the Supreme court in unanimous opinions delivered by Justice Holmes. Both men were sentenced by the lower courts to ten years' imprisonment.

While not passing directly upon the constitutionality of the act, the court in effect did declare valid the so-called enlistment section and reaffirmed its opinion that the espionage law is not an interference with the constitutional right of free speech.

Debs was convicted on three counts, but the court passed directly on only one of these, that charging him with obstructing recruiting and enlistment through statements made in a speech at Canton, O., last June.

#### Two Charges Not Passed Upon.

The other two counts charged him with attempting to incite insubordination and disloyalty, and also with uttering language intended to provoke and encourage resistance to the United States government. In arguing the case before the Supreme court, however, the government did not press the last charge.

Frohwerk's conviction resulted from articles written by him and published in the Missouri Staats Zeitung criticizing the United States' participation in the war.

Some attorneys interpreted the failure of the court to give a direct opinion as to the constitutionality of the espionage act as indicating its intention to pass upon the merits of each individual case considered by it.

In affirming Debs' conviction Justice Holmes reviewed the case in detail and held in effect that Debs had been guilty of willful attempt to obstruct recruiting and that the jury had been properly instructed by the lower court. He also said that the government had presented a strong argument from the history of the statutes, that the instruction was correct and in accordance with established legislative usage, and added that, in the light of this fact, it was unnecessary to discuss the question in detail.

#### Violated Drastic Section.

The decision holds that the so-called enlistment section of the espionage act is the most drastic in the measure and not only makes it a misdemeanor to circulate false reports for the purpose of interfering with military and naval operations and enlistments but also prohibits the utterance or writing of "disloyal, profane, scurrilous, or abusive language" about the American form of government, military forces, flag, or uniforms, or which is intended to bring them into contempt or intended to encourage resistance to the United States or to cripple the country in the prosecution of war.

Referring to the introduction of the so-called St. Louis platform as evidence the court said:

"Evidence that the defendant accepted this view and this declaration of his duties at the time that he made his speech is evidence that if in that speech he used words tending to obstruct the recruiting service he meant that they should have that effect. We should add that the jury was most carefully instructed that they could not find the defendant guilty for advocacy of any of his opinions unless the words used had as their natural tendency any reasonably probable effect to obstruct the recruiting service, etc., and unless the defendant had the specific intent to do so in his mind."

#### Debs Celebrates Decision.

Terre Haute, Ind., March 10.—"I defy the Supreme court to do its worst," declared Eugene V. Debs today in a formal statement on the upholding of



Eugene V. Debs.  
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his conviction on an espionage charge by the Supreme court. "I told the court when I was convicted that the law was despotic and have not changed my mind in the least. I am not concerned with what those be-powdered, be-wigged corporation attorneys at Washington do. I am going to celebrate tonight by taking Mrs. Debs to a picture show."

#### ASK CONSTITUTIONAL DECISION.

Formal demand that the constitutionality of the espionage act be finally passed upon so that "citizens may not have to tremble lest in criticizing questionable acts of those who are attempting to run the affairs of this country they become liable to arrest" was voiced in a statement issued last night by Morton L. Johnson, secretary of the executive committee of the new Labor party.

The action followed the decision by the Supreme court of the United States in the Debs case. The statement said:

"For the second time in two weeks the Supreme court has affirmed convictions obtained under the espionage act without a decision as to the constitutionality of the act itself. What is the reason for this beating about the bush? Have not the American people the right to know whether this law, placed upon our statute books in the heat of war passion, is constitutional or not? It has been declared by eminent authority on legal matters outside of the courts to be in contravention of the rights of free speech, free assemblage, and a free press.

"There is much that is rotten in the affairs of this country and we demand the right to discuss them."