
Seven Socialists at Debs Trial Held for Applause After Stedman's Speech: Outburst Follows Attorney's Acceptance of Challenge by Prosecution — Jury Made up Mostly of Farmers Accepted — Average Age of Jurors 70. Prosecution Omits Parts of Canton Speech.

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(CLEVELAND) — The seven Socialists arrested Monday [Sept. 9, 1918] for applauding the speech of Attorney Stedman were charged with riotous conduct and fined for \$10 to \$25 each. Only one — Frank Wells — was unable to pay the fine. He is being held.

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(CLEVELAND) — Seven Socialists were placed under arrest as the result of an involuntary outburst of applause that followed the closing words of Seymour Stedman's opening address to the jury on behalf of Eugene V. Debs on trial here for statements alleged to have been made in a speech at Canton, June 26 [1918].

That was the finale of the first day of Debs' trial. Chief among those taken into custody were Rose Pastor Stokes, under sentence of 10 years, and Marguerite Prevey, Akron, O., who has interested herself in the defense of all indicted and persecuted Socialists in this state. The others were M.S. Basista, Max Slotorub, Frank Wells, Edgar Delaney, and J.J. Fried.

Follows Plea to Jury.

Stedman followed Prosecuting Attorney Kavanagh, who closed his attack on Debs by declaring that: "By his words he shall be judged; by his words he shall be condemned."

Stedman declared in reply that he accepted the challenge of the government's attorney and in defense of Debs urged the jury to: "Judge him by his words; judge him by his life and by his life's work and we will

abide by your verdict."

The audience that had crowded the courtroom all day and listened quietly to the tedious proceedings incidental to the selection of a jury, burst unconsciously into applause as Stedman finished. Before the handclapping had died away Judge Westenhaver reached over and, pointing toward Basista, standing in the rear of the room, demanded:

"Mr. Marshal, arrest that man!"

Basista is Arrested.

Basista was immediately placed under arrest and was about to be hustled unceremoniously out of the courtroom, when the judge ordered all others who had been seen clapping to be arrested and brought before him. The deputy marshals who crowded the courtroom immediately became active with the result that the 7 Socialists were rounded up and brought before the bar.

Fried claimed he had made no attempt to applaud. All the others admitted they had applauded. The judge then asked if there was anyone in the courtroom who would go on the bail of the demonstrators.

This brought Stedman to his feet in an effort to pour oil on the troubled waters. He tried to explain that the demonstration was a natural thing and that the court should take no notice of it.

Judge is Obdurate.

Judge Westenhaver was obdurate, however,

charging that no such unseemly and riotous conduct had ever taken place in the history of the court. Then another one of Debs' counsel, William A. Cunnea, tried to explain how the outburst was merely a tribute to Debs, that it was not sufficient basis for a contempt of court charge, and claimed that similar incidents had taken place in other courts and passed unnoticed. Morris Wolf, another of Debs' counsel, pointed out that a similar demonstration had taken place during the Ruthenberg trial and been passed over with a warning. The judge said he did not remember the incident. After further argument the judge admitted that he might have been overvexed and remanded the prisoners to the custody of the Socialist lawyers, who guaranteed their appearance in court Tuesday [Sept. 10].

Basista Case Typical.

The case of Basista was typical. He told the judge this was the first time in his life that he had ever been in a courtroom and did not understand its way. When asked where he came from, he replied: "I come from the people."

That it was only natural for Socialists to applaud may be judged from the fact that the correspondent for the Associated Press confessed to his fellow newspapers that he had just caught himself in time or he would have clapped his hands with the rest.

Debs sat quietly through the entire proceeding without taking part. Cheated of the opportunity to hustle their prisoners off to jail, the secret service men, immediately after court adjourned, found a victim out in the corridors and half dragged, half carried him, calling and protesting, the length of the building to the marshal's office. David Karsner, correspondent for *The New York Call*; William Bross Lloyd, candidate for Senator on the Socialist ticket in Illinois; and the writer followed to find out what had happened. We were all ordered out of the marshal's office, Karsner being roughly handled until he showed his registration card.

Worse Than IWW Trial.

Karsner pointed out that during all the months of the trial of the Industrial Workers of the World in Chicago there had never been a similar outbreak of

viciousness on the part of federal agents.

The jury of 12 men that is hearing the evidence for and against Debs is made up mostly of farmers, averaging about 70 years. The oldest is 73 and the youngest is 52. Debs himself is in his 62nd year. The jury consists of the following:

Hiram Schub, Canton, retired builder.

Joseph Pfeiffer, Ashland, farmer.

K.Y. Hart, East Liverpool, retired farmer.

C.P. Dickerman, Malett Creek, phone company employee.

Maurice Betts, Cuyahoga Falls, farmer.

S.R. Moon, Jefferson, real estate.

Cyrus H. Stoner, Massillon, weighman at coal mine.

Stephen McGowan, Akron, contractor.

Harry C. Diehlsheim, Massillon, retired merchant.

John S. Kollar, Mantua, farmer.

Charles H. Slinggluff, Dover, farmer.

Henry Jolly, North Industry, painter.

Never Studied Socialism.

Not one of the prospective jurors examined confessed to ever having studied Socialism. Their knowledge of Socialist principles was confined exclusively to newspaper reports.

Before the selection of jurors began the court ruled against several additional counts in the indictment, so that 5 in all have been dismissed to the present, 2 are still under advisement. It is expected the trial will go to a finish only on the remaining 3. The omitted counts in the indictment cover the sedition portions of the Espionage Act, the false statements count is also omitted in addition to the count charging curtailment of production, so that this puts the emphasis of the trial on alleged actual interference with the military and enlistment program of the government, and actual opposition to the cause of the United States in the war.

All Eager to Try Debs.

Examination of the jury venire brought out the fact that practically all the retired and wealthy farmers, bankers, and businessmen called were anxious to

try Debs. One man, in his efforts to qualify, denied ever having heard of Debs, although he had been a studious reader of all Cleveland daily papers. Some didn't know the difference between the IWW and the Socialist Party, declared their hostility to the former, but protested their ability to give a fair trial to the latter.

Judge Westenhaver, in an argument over the investigation of one of the jurors, repeated what other courts always emphasize, that Debs is not on trial because he is a Socialist but of his individual acts.

Stedman, Cunnea, and Attorney Joseph Sharth joined in examining the prospective jurors. Not one venireman would admit that he was making profits out of any war industry. Not one would admit that he feared the hostility of his friends and neighbors in case he should vote to acquit Debs. All claimed they were in favor of upholding the constitution of the land during wartimes, while only a few hesitated at granting free speech, free press, and free assemblage unless it resulted in the support of government policies. Many of those called were G.A.R. [Grand Army of the Republic] veterans.

Debs Reads Crusade.

Assistant Prosecuting Attorney Kavanagh in outlining the case against Debs tried to start out by reading portions of the St. Louis Socialist [anti-war] proclamation. He was halted in this when it was shown that Debs had not even attended the St. Louis convention [April 7-14, 1917]. An attempt will no doubt be made to introduce it later. Kavanagh declared it would be shown that Debs had restated at the national conference of Socialist officials in Chicago, Aug. 11 [1918], declarations made in his Canton speech.

Kavanagh read an alleged stenographic report of the Canton speech, declaring that the government would rely on the contents of the speech to prove the charges in the indictment, saying that Debs was the "very head and palpitating pulse" of the alleged seditious crusade which he claimed had been launched in the United States.

Attorney Stedman in his speech declared the evidence would show that the government's version of Debs' address had omitted words and sometimes paragraphs, so that while it took Debs 2 hours to deliver his address, it was read in court by the government prosecutor in about 40 minutes.

Did Not Oppose Case.

Stedman declared no evidence could be introduced to show that Debs in his speech had held up the army, the navy, or the constitution to ridicule or disgrace, neither the uniform; that he had made attacks on the form of government, not one word in opposition to the ideal or historic meaning of the American flag; or that he had willfully or knowingly opposed the cause of the United States in the war.

"Not one word will be or can be introduced here to show that Eugene Victor Debs was or is on the side of the imperial government of Germany," declared Stedman. "His speech was an attack on those, even in this country, who line up with the kaiser. That can't be interpreted as being pro-German."

Stedman attacked the policy of incriminating a man on segregated portions of a speech or writing, asking "You wouldn't indict Woodrow Wilson on his book, *The New Freedom*. Yet one passage in that book declares that "Wars are not made by peoples: they are made by rulers."

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