
As to Treason

by Allan L. Benson

Published in the *New York Call*, v. 10, no. 118 (April 28, 1917), pg. 6.

The fact that Comrade [Morris] Hillquit twice referred to me in his article in *The Call* Thursday [April 26, 1917] perhaps makes in necessary, both in justice to him and myself, that I



further state my position with regard to the majority report adopted by the St. Louis Convention [April 7-14, 1917] that will soon go to the party for approval.

Comrade Hillquit's closing line, in which he declares there are "some things even baser than treason," is a line that I was sorry to read, inasmuch as it seems to indicate a belief on his part that I and others who have criticized the majority report sought to make trouble for those who signed it. I had no such desire. I do not want to see anybody get into trouble. That is why I object to the majority report and hope to see the party adopt the alternative report.

As to whether certain parts of the majority report are so worded that in certain circumstances they might be construed by the courts as treasonable, I note Comrade Hillquit's opinion to the contrary. For his legal ability I have respect, as I also have respect for him as a man and a Socialist. But the very fact that other Socialist lawyers for whom I have respect differ from Comrade

Hillquit's opinion as to the possible construction that might be given to the report — this difference of opinion among Socialist lawyers confirms me in my opinion that the language used should not have been used and that the report containing it should be defeated. This is no time, nor is this report the place, to use language as to the meaning of which even Socialist lawyers cannot agree. Such language is only too likely to be language with regard to which, in certain regrettable circumstances, capitalist courts and juries might agree, with calamitous results to individuals and to the party.

I believe I may add without impropriety that Job Harriman of California, a delegate to the convention, and a lawyer of respectable attainments, told me that he believed the report might, in certain circumstances, be construed as treasonable. Comrade Harriman signed the report without realizing how certain words might be construed, but when I pointed them out to him he agreed with me that they were dangerous, made a speech in the convention in which he qualified his support of the report, and then signed the alternative report which was framed and signed by about 60 of us chiefly because we had the objections mentioned to the majority report. Comrade Winfield R. Gaylord, a delegate and a lawyer, also told me that he regarded the report as treasonable, as did another lawyer delegate whom I had never before met, and whose name I do not remember.

I do not seem to be convinced that Comrade Hillquit and the other signers of the report

did so without intent to advocate treason. But, while granting their good intentions, I cannot forget their language, and in an emergency, such as I hope will not arise, they would be judged not by their intentions but by their language. When these comrades sought to pledge the party to “all mass movements” against conscription, they should have considered that armed resistance by draft rioters would come under the head of “all mass movements.” If they meant, as I believe they did, to withhold their endorsement of draft riots, they should have said, I believe, “all LAWFUL mass movements.” In discussing matters of law I know I am but a layman, but I have some knowledge of the use and meaning of English words. I assert that if the intentions and purposes of the signers of the majority report were and are wholly lawful, as I am bound to believe them to be, then their use of English, in the particular specified, was careless and loose. The adoption, at this time, of this report that I regard as carelessly and inaccurately worded would, I believe, place not only the welfare of the signers, but the reputation of the party at the mercy of the first misguided man who, never having read or heard of the party, should nevertheless proceed to start a draft riot.

When our own Socialist lawyers cannot agree with regard to so important a report as this, my contention is that the report should be defeated, if for no other reason than that its meaning is doubtful. This is a time to use English carefully, and to say just what we mean, and no more.

Edited by Tim Davenport.

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