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# Debs Held Guilty on Three Counts, Will File Appeal:

**Veteran Socialist Received Verdict Which May Mean 20 Years in Prison  
with Same Congenial Smile that has Endearred Him to Millions.  
Declares He has No Fault to Find with Decision.  
Sentence May be Passed Saturday [Sept. 14].**

by J. Louis Engdahl

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(CLEVELAND) — Eugene Victor Debs, veteran spokesman of Socialism in America for a score of years, was declared guilty by a jury here Thursday night [Sept. 12, 1918] of having uttered words in a speech at Canton June 16 that the government considered prejudicial to the interests of the United States in the war.

Debs received the verdict, which may mean 20 years in prison, with the same congenial smile that has endeared him to millions. He declared: "I am satisfied. I have no fault to find, no fault with the court of the jury. Time will mend everything and make everything all right."

## **Felt Verdict Coming.**

Socialists present at the trial, who have instinctively felt the rising tide of prejudice, hysteria, and hatred against every progressive idea voiced by the radical forces of the country, felt that the jury would return a guilty verdict in a few minutes after they retired Thursday morning, following the charge by the court.

When the noon hour passed, however, and the afternoon began to fade away, hopes of a disagreement began to materialize. At 5 pm word came from the jury room that a verdict had been reached.

Hundreds who thronged corridors hurried into the courtroom, the lawyers were summoned, and with judge and court attendants in their places the last scene in the Debs trial was enacted. As the newsboys in the streets yelled the last extras about the American advance in France, the jurors took their places to render their verdict. Rose Pastor Stokes, herself facing a 10 year sentence in prison, took a seat beside Debs and grasped his hand. The judge in a droll voice was again warning the high strung audience against a demonstration.

## **Youngest is Foreman.**

Cyrus H. Stoner, aged 58 years, youngest on the jury, as foreman handed the verdict to Clerk Miller, who passed it to Judge Westenhaver, who glanced it over, then returned it to the clerk, declaring, "The verdict may be received."

The clerk read and as he finished, showing that Debs had been found guilty on three counts in the indictment, and not guilty on but one, the 4 time Socialist Presidential candidate turned to his comrade, Rose Pastor Stokes, who was still holding his hand, and smiled, satisfaction lighting up his face as he said:

"Now we are in the same class, comrade," and Rose Pastor Stokes smiled back.

One of the charges against Debs was that he had declared, "If Rose Pastor Stokes is guilty, so am I." During the day working men and working women of Cleveland had come to Debs, keeping open house in the courtroom while waiting his verdict. Some had come to shake him by the hand. Others presented their champion with small bouquets of flowers, some tied with red ribbons, others with red, white, and blue ribbons.

### **Crowd Surrounds Debs.**

"Poor in clothes but rich as Croesus in mind and souls," commented Debs as one workingman left him.

Now after the jurors had been dismissed and after the lawyers had gone through several formalities and the court had adjourned, the audience en masse moved up to and around Debs, expressing its hope, sympathy, and encouragement. And thus they all, Debs in the center, departed from the courtroom, went out of the federal building into the driving rain, all accompanying their leader back to his hotel.

That the jury gave consideration to the question before them is seen by the fact that they were out six hours and returned a verdict of not guilty on the one count charging Debs with opposition to the cause of the United States in the war. The counts on which he was found guilty charge that he attempted to incite insubordination, disloyalty, mutiny, and refusal of duty in military and naval forces; obstruction and attempting to obstruct recruiting and enlisting; utterance of language intended to incite, provoke, and encourage resistance to the United States and to promote the cause of the enemy.

### **To Be Sentenced Saturday.**

Debs will no doubt be sentenced on Saturday [Sept. 14, 1918]. At that time his lawyers will argue a writ of error and urge a new trial. If this is

denied, they will appeal to a higher court. Until Saturday, Debs is at liberty under the same \$10,000 bonds with which he has enjoyed his freedom since his arrest. The court inferred that he would be allowed to remain at liberty pending appeal on the same \$10,000 bond, but that he would also be compelled to sign an additional bond to keep the peace. Whether this means that he will not be allowed to make any speech or write anything for the Socialist press was not made clear.

His bondsmen are now E.A. Moscovitz, Cleveland, who scheduled \$20,000 worth of property, added to \$10,000 scheduled by Mrs. Marguerite Prevey, Akron. Debs left Friday night for Akron, where he will remain at the home of Mrs. Prevey until Saturday morning, when he will return here.

### **Party Not Tried.**

Judge Westenhaver's charge to the jury was considered fair by Debs, who listened intently to every word of it, and by counsel for Debs. The court told the jury that Debs was on trial just like any other criminal.

"In this trial Socialist principles, the Socialist Party, its aims, principles, and program have somewhat entered into the proceedings," said Judge Westenhaver. "Mr. Debs is not being tried, however, because he is a Socialist."

The court then declared that one's political opinions or religious beliefs can not be offered as an excuse for utterances made or offered as a defense. He said it was not necessary to show that Debs caused insubordination, disloyalty, mutiny, or refusal of duty. It was merely necessary to show that he attempted to do it.

He cited the example of the man who stole bread to feed his starving wife and children in his efforts to prove that good motive or intent are no excuse for crime. The court interpreted the law as declaring that the man must not steal at all, with good or bad motive. He therefore charged that

Debs was guilty of crime, though he was striving to promote some good and worthy cause.

### **Tried on Canton Speech.**

Judge Westenhaver charged that Debs was not being tried on his Chicago speech; that he was not being charged with the words uttered by Mrs. Stokes or Kate Richards O'Hare, or with the words of the St. Louis proclamation; that he was only being tried for his Canton speech; that this other matter had merely been admitted to show what was Debs' intent, what was his state of mind.

The court ruled that the question of whether the espionage law is a violation of the free speech, press, and assemblage section of the federal constitution is a question for the court and not for the jury to determine.

While Debs was awaiting the verdict of the jury, several war saving stamps salesmen tried to sell stamps to him. These he refused to buy. "If I had \$1 million, I wouldn't give a cent," said Debs. "It is not a question of money with me; it is a question of the principles for which I have been struggling all my life."

*Edited by Tim Davenport.*

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