AMNESTY AND PARDON FOR POLITICAL PRISONERS. HEARINGS BEFORE A SUBCOM COMMITTEE ON THE JUDICIARY UNITED STATES SENATE. SIXTY-SMITTEE OF THEIXTH CONGRESS. THIRD SESSION ON S. J. RES. 171

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649051335

Amnesty and Pardon for Political Prisoners. Hearings Before a Subcom Committee on the Judiciary United States Senate. Sixty-Smittee of theixth Congress. Third Session on S. J. Res. 171 by Thomas Sterling

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

www.triestepublishing.com

THOMAS STERLING

AMNESTY AND PARDON FOR POLITICAL PRISONERS. HEARINGS BEFORE A SUBCOM COMMITTEE ON THE JUDICIARY UNITED STATES SENATE. SIXTY-SMITTEE OF THEIXTH CONGRESS. THIRD SESSION ON S. J. RES. 171

Trieste

2

Amnesty and Pardon for Political Prisoners

82
2054

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY UNITED STATES SENATE

Congress

SIXTY-SIXTH CONGRESS

THIRD SESSION

ON

S. J. RES. 171

A JOINT RESOLUTION PROVIDING FOR THE RECOMMENDATION OF AMNESTY AND PARDON FOR POLITICAL PRISONERS IN THE UNITED STATES

Printed for the use of the Committee on the Judiciary

WASHINGTON
GOVERNMENT PRINTING OFFICE
1921

34773

COMMITTEE ON THE JUDICIARY.

KNUTE NELSON, Minnesota, *Chairman.*

WILLIAM P. DILLINGHAM, Vermont.
FRANK B. BRANDEGEE, Connecticut.
WILLIAM E. BORAH, Idaho.
ALBERT B. CUMMINS, Iowa.
LEBARON B. COLT, Rhode Island.
THOMAS B. STERLING, South Dakota.
ALBERT B. FALL, New Mexico.
GEORGE W. NORRIS, Nebraska.
FRANK B. KELLOGG, Minnesota.

CHARLES A. CULBERSON, Texas.
LEE S. OVERMAN, North Carolina.
JAMES A. REED, Missouri.
HENRY F. ASHURST, Arizona.
JOHN K. SHIELDS, Tennessee.
THOMAS J. WALSH, Montana.
HOKE SMITH, Georgia.
WILLIAM H. KING, Utah.

SIMON MICHELET, *Clerk.*

MEMBERS OF THE SUBCOMMITTEE.

THOMAS STERLING, South Dakota.
WILLIAM E. BORAH, Idaho.
LEBARON B. COLT, Rhode Island.

THOMAS J. WALSH, Montana.
WILLIAM H. KING, Utah.

GEORGE L. TREAT, *Assistant Clerk.*
CARL W. BORDEN, *Assistant Clerk.*

CONTENTS.

	Page.
Senator Joseph I. France, of Maryland	6
Mr. Samuel Gompers, president of the American Federation of Labor, Washington, D. C.	7
Mr. Richard L. Tolman, of Washington, D. C.	19
Mrs. Lucy Robbins, secretary of the amnesty committee of the American Federation of Labor	20
Mr. John P. Sullivan, president of the Central Trades and Labor Council of New York	36
Rev. L. N. Powers	39
Mrs. Helen Hoy Greeley, of New York City	41
Mr. Benjamin C. Marsh, secretary and director of the legislation of the Farmers' National Council, Washington, D. C.	44
Mr. Marvin Gates Sperry, national president of the Soldiers' and Sailors' Legion, Washington, D. C.	46
Mr. Algernon Lee, teacher, of New York City	49
Miss Frances Witherspoon, secretary of a committee of the Socialist Party	60
Hon. Jacob Panken, judge of municipal court, New York City	63
Hon. A. Mitchell Palmer, Attorney General of the United States; Mr. Richard P. Stewart, Assistant Attorney General in charge of criminal matters; Mr. Hugh A. Fisher, attorney, Department of Justice; Mr. Arthur Robb, in charge of the Division of Mails and Files, Department of Justice, Washington, D. C.	69
Tables of cases filed by Attorney General:	
Trading with the enemy cases, convictions	86
Sabotage cases, convictions	86
Espionage cases, convictions	87
Passport case, convictions	102
Explosives act cases, convictions	105
Draft cases, convictions	107
Pardons or commutations granted by the President in espionage cases and other so-called political offenses	175
Communications and petitions filed by Senator Sterling	197

AMNESTY AND PARDON FOR POLITICAL PRISONERS.

TUESDAY, DECEMBER 21, 1920.

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to call, at 10.30 o'clock a. m., in the committee room, Capitol, Senator Thomas Sterling presiding.

Present: Senators Sterling (chairman), Walsh of Montana, and King.

The subcommittee of the Committee on the Judiciary, had under consideration Senate joint resolution 171, providing for the recommendation of amnesty and pardon for political prisoners in the United States.

Senator STERLING. The committee will be in order.

Senator FRANCE. Mr. Chairman, I would suggest that the clerk of the committee read the resolution. I think it is quite important that we bear in mind that we are discussing this resolution, and I think it is, in view of that fact, quite important that the resolution be read.

(The clerk of the committee here read aloud the resolution under consideration by the subcommittee, which is as follows:)

JOINT RESOLUTION Providing for the recommendation of amnesty and pardon for political prisoners in the United States.

Whereas there are in military prisons or under bail pending trial or appeal large numbers of men and women whose offenses or alleged offenses are of a political nature, consisting only of opinions expressed, in words spoken or written, as distinguished from direct incitation to violence, violence, or overt acts against the Government, all such being held for such alleged offenses under the provisions of the espionage act; and

Whereas the first amendment of the Constitution of the United States provides—

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances"—

in view of which provision there is grave doubt as to the constitutionality of the said espionage act and the act amendatory thereof; and

Whereas the sole justification for such prosecution and imprisonment, that of wartime necessity, no longer exists; and

Whereas in the democratic countries of Europe full amnesty and pardon has been granted to political prisoners: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the further prosecution and imprisonment in the United States of such a body of political offenders is contrary to the democratic idealism and traditions of freedom to which our country is committed; and

SEC. 2. That we recommend to the President of the United States, the Attorney General of the United States, and the Secretary of War a careful consideration of the propriety, advisability, and wisdom of granting immediate pardon and amnesty to all prisoners whose religious, political, or economic beliefs only, as expressed in words spoken or written, formed the basis of their prosecution, trial, or imprisonment under the said espionage act and the act amendatory thereof.

Senator STERLING. Senator France, whom have you to speak first to the committee?

STATEMENT OF SENATOR JOSEPH I. FRANCE, OF MARYLAND.

Senator FRANCE. Mr. Chairman, I will say only a word about this resolution. Careful attention to the wording of it will show that it applies to those political prisoners who have been in prison for words spoken or written, expressing opinions, and this resolution was introduced by me at the request of the representatives of the American Federation of Labor, the members of the American Federation, I believe, taking the view that it was the duty of the American Federation, wherever possible, to come out in defense of the principles enunciated in the Constitution of the United States; that the members of that great organization, the greatest labor organization in the history of the world, realized very fully that the welfare of the workingman is bound up in this question of the preservation of civil liberty.

The workingmen of America realize that if they may be deprived of the right freely and fearlessly to express their opinions on governmental questions, if they may be deprived of that liberty in contravention of the principles of the Constitution of the United States, it will be useless for them to attempt to struggle for a betterment of their condition.

Of course, I do not care to discuss the constitutionality of the act amendatory to the espionage act. I could refer to the debates upon that act amendatory to the espionage act, and I think I could prove quite conclusively to the committee that the purport of that amendment to the espionage act was such that those entertaining the minority opinion would be deprived of the right of expressing that minority opinion. In other words, the act amendatory to the espionage act which was adopted in June, 1918, was designed to prevent the expression by spoken or written word of the minority opinion. That shows very clearly in the debate; it shows very clearly in the communications from the Department of Justice; and it shows very clearly in the rejection by the Senate, at the urgent request of the Department of Justice, of my amendment to the amendatory act, which provided that "nothing in this act shall be construed as limiting the right of the individual to speak what is true, with good motives and for justifiable ends."

The rejection of that amendment served notice upon the country that men would be prosecuted for the expression of opinions, that they would be prosecuted for the speaking of words, even though those words might be uttered in conformity with the truth, from good motives and for justifiable ends.

It may be, of course, that the argument of expediency can be advanced in a time such as that through which we have been passing, but so far as I am concerned, and so far as those are concerned who are supporting this resolution, we feel that where a question of expediency arises, and where the adoption of motives of expediency would violate great principles, expediency should give way to principle rather than principle to expediency; and, in that doctrine, of course, we have the support of the founders of the Government.

In a word, I feel, and I think those who support this resolution feel, that it is absolutely necessary for us to maintain the principles of our constitutional Government, realizing that the preservation of those principles will in the end prove to be the expedient and the wise thing.

It was said that we could not win the war unless we violated the Constitution of the United States by suppressing minority opinion. I never shared that view. I feel that it was a mistaken idea, and I feel that it was unwise for us to enter upon the policy of attempting to preserve our constitutional Government by a flagrant violation of a constitutional principle.

This resolution calls for a recommendation of amnesty for those who have been imprisoned for opinions held or words expressed. All of those in prison for words spoken or an opinion expressed are, in our judgment, in prison in violation of the first amendment of the Constitution of the United States, which prohibits Congress from enacting any statute abridging the right of freedom of speech.

Senator STERLING. Senator France, may I not ask you there whether or not, without raising any question as to the constitutionality of the espionage act or any part of it, you might not now base a claim for amnesty and pardon of these prisoners on the ground of expediency?

Senator FRANCE. Yes, Senator; there is a very strong argument in favor of granting amnesty without regard to the constitutional question involved. Personally, I think it would be expedient to release these prisoners, and in fact the department has already seen the advisability of remitting sentences, and of in some cases granting pardons. It would be very interesting to have incorporated in the record the history of some of the cases, and the reasons which were given for the granting of pardon or the remission of sentence; but that would take us too far afield.

Senator STERLING. Yes.

Senator FRANCE. And I will not enter upon that. This hearing to-day is really at the request of the American Federation of Labor, the representatives of which great organization are here, and we should be very glad to have them speak in the order which they prefer to adopt.

Senator STERLING. Very well. Who of the representatives of the Federation of Labor will be heard now?

Senator FRANCE. Mr. Gompers, will you go on now? Mr. Gompers, the president of the American Federation of Labor, is here.

STATEMENT OF MR. SAMUEL GOMPERS, PRESIDENT OF THE AMERICAN FEDERATION OF LABOR.

Mr. GOMPERS. Mr. Chairman, the American Federation of Labor, at its convention last June, by unanimous vote adopted a series of preambles and a resolution bearing upon this subject of amnesty and pardon for the political prisoners, the men and the women now incarcerated in the prisons of our country upon the charge of some political offense. The offense to which we directed our attention was the spoken or the written word.

May I say this, that the American Federation of Labor from its very inception, in 1881, and the elements of the organized workers making up and forming the constituent parts of the American Federation of Labor, have from the beginning been as staunch advocates and defenders of the principles upon which the institutions of the Republic of our country are founded, as any body of men in all