
Speech to the Jury, February 5, 1920.

by Benjamin Gitlow

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Gitlow: I am charged in this case with publishing and distributing a paper known as *The Revolutionary Age*, in which paper was printed a document known as the Left Wing Manifesto and Program. It is held that the document advocates the overthrow of government by force, violence, and unlawful means. The document itself, the Left Wing Manifesto, is a broad analysis of conditions, economic conditions, and historical events in the world today. It is a document based upon the principles of socialism from their early inception. The only thing that the document does is to broaden those principles in the light of modern events. The document starts out with the statement that the world today is in a crisis, that capitalism is in a state of collapse. It goes into a statement about the war, shows what the war was responsible for, and also makes a fairly complete statement in reference to the socialist movement. The manifesto tells you that there were divisions in the socialist movement, that there were various factions, that these factions believed in certain definite principles, that these principles became clarified with the issue of the world war. The socialists have always maintained that the change from capitalism to socialism would be a fundamental change, that is, we would have a complete reorganization of society, that this change would not be a question of reform; that the capitalist system of society would be completely changed and that that system would give way to a new system of society based on a

new code of ethics, and based on a new form of government. For that reason, the socialist philosophy has always been a revolutionary philosophy and people who adhered to the socialist program and philosophy were always considered revolutionists, and I as one maintain that in the eyes of the present day society I am a revolutionist. I desire complete, fundamental—

The Court: Mr. Gitlow, you are not permitted to state what your views are or what you are, or what you think. You must confine yourself to an argument based upon the testimony in this case.

Gitlow: Well, I will try to make it an impersonal argument. The socialists have always maintained, and the manifesto that has been printed in *The Revolutionary Age* maintains that capitalism as it developed would be unable to solve the contradictions that spring up in the body politic of capitalism. What is capitalism? Capitalism is that system of society in which the means of production and distribution are owned by a few individuals for their own profit. You take the United States for example. You take the large industrial plants. You take the land, you take the banks, you take the railroads, you take all of the factories that have to do with production, take all the means of distribution, and you will discover that they are owned by a few individuals or corporations, by financial institutions, for the profits that can be derived from these institutions. The manifesto maintains that all our institutions are based on

labor-power of the working man. The factories, the mines, the land, and all means of production. Labor-power is essential to make them valuable and to provide profits for those that own and control them. All of our institutions are based on the labor-power of the working man. Without that labor-power society could not exist. Not a wheel could turn. Value could not be produced. That is very easily recognizable. Suppose John D. Rockefeller with all of his wealth and all of his gold and all of his bank securities, all of his stock and all of his bonds, would go to the Sahara Desert and pile his securities and his gold sky high to the billions of dollars, and stay there himself, do you think that value would be produced? Do you think that the gold would be valuable? Do you think that he could get for himself the comforts of life? Not at all. John D. Rockefeller could stand there, look at his mountains of gold, see them towering to the heavens, and he could not get something to drink, and he could not get anything to eat. But you can take a group of working men. Taken them from any section of the world, bring them to a place and tell them to get busy and make life worth living. And what will you have? What will you find? That the workers will get on the job, they will use their labor-power, by their creating ability they will build a society in which workers of every degree enjoy the comforts and pleasure of life. And our human society, all of our wonderful institutions, our boasted civilization, has been the result of the creating ability of the working men who use brains and muscle power. We make no distinction between working capacity.

Capitalism today controls the creative power of labor for its own particular advantage, and capitalism in various countries is national in scope. Production has developed to a market degree and fabulous stores of wealth are produced. In America, in England, in Germany, in all capitalist countries of the world, due to increased machinery, due to modern inventions, due to the scientific management of industry, we have the workers piling up

enormous stores of wealth, and we find on the other hand, side by side with this enormous storing up of wealth, poverty, the degradation of the masses. In England, in America, in Germany, in France, you can read all of the reports of your state departments, of your charity organizations, and you can see that side by side with the springing up of this enormous amount of wealth, mounting to the billions of dollars, spring up also the enormous poverty and degradation of the masses. And then we find out that capitalism as it stores up its wealth, does not desire its wealth to remain idle. Its wealth must be converted into capital, and the capital applied to the undeveloped areas for the purpose of getting more wealth. And we discover that all capitalist countries that have the capitalist method of production and distribution, and the building up and accumulation of capital, are always looking for markets, for new areas to exploit in order to procure more and additional capital. And we discover that the world is after all a ball, and is limited in area, and we discover furthermore that each country finds out that in this narrow world of ours, it comes into conflict with other countries. And what is the result? The result of that is that when diplomatic relations cannot solve the situation, a war breaks out, and when war breaks out, all patriotic prejudices are brought into play, false slogans are manufactured, and the masses are asked to believe that they are fighting for a certain fixed and definite ideal. Germany and England were rivals for the world's markets. One had the world's markets. England had more territory in the world than most of the other countries combined, and Germany had just developed industrially, and was spreading out and reaching throughout the entire world with her cheaper goods. And then Germany decided that she wanted to get an inroad into the East, and she started building the Baghdad Railroad, and the English imperialists began to feel that the completion of that railroad meant the expansion of German trade in the East—

The Court: I do not like to interrupt you, but there is no evidence presented upon that subject, and you are now referring to something that is not contained in the manifesto.

Gitlow: If your Honor please, the manifesto deals with the imperialistic war, and this is a phase of imperialism.

The Court: It does not deal with the facts. It deals with assertions. You are attempting to state facts.

Gitlow: Well, in order to dispose of the surplus capital in various countries, the European war broke out, and the European war showed clearly the failure of capitalism to meet the situation of the world. What did we find? We found millions of workers facing one another and being slaughtered on the fields of battle. They fought for four and a half years, and then a peace was concluded. We were informed that the war was one that was fought for democracy, and when peace was concluded and the Peace Treaty drawn up, we found out that all nations involved desired more territory, desired privileges in mines and ore concessions, desired to expand their territorial control, and we found that the question of democracy—

The Court: Again I must interrupt you, because you are stating as facts matters which are not facts of this court, and which the court has no reason to believe are facts at all.

Gitlow: If your Honor please, the manifesto touches on that very clearly.

The Court: It touches on it, and you may use the language of the manifesto, but you may not make a speech beyond the language of the manifesto.

Defense Attorney Darrow: Your Honor, he has a right to explain the meaning of it.

The Court: No, sir, he has no right to explain the meaning of the manifesto, because he is not subject to cross-examination.

Darrow: I want to again take exception to the remarks of the Court on that question of cross-examination. If he could not explain the mean-

ing—

The Court: (*interrupting*) He cannot explain the meaning.

Darrow: Then he can do nothing but read it.

The Court: He cannot explain the meaning of it, because he has not subjected himself to cross-examination.

Darrow: I desire to except to the language of the Court and the ruling.

Gitlow: The manifesto states very clearly that the war was one that was fought for imperialism, that the Peace Treaty that was signed was a treaty of imperialism, and that the workers had nothing to gain from the war. You will also read in the manifesto that the manifesto stands for a new form of government, that that form of government is known as the dictatorship of the proletariat, that the dictatorship of the proletariat in its concrete form was the result of a revolution that took place in Russia, that the Russian workers set up this form of government as one which was suitable for their purposes. The manifesto will tell you furthermore that all of the capitalist governments of the world proceeded to fight the Russian workers, and attempted to overthrow their particular form of government.

Now, the Russian workers set up a form of government known as the dictatorship of the proletariat, which is based on a system of council control. You will be told perhaps that the dictatorship of the proletariat is not a democratic form of government. The dictatorship of the proletariat is a new form of organization. It is based on the industrial representation of the worker in industry. Today you have a government called a democracy, which is based on the territorial divisions of the people inhabiting the nations. Under the Soviet form of government, under the dictatorship of the proletariat, this condition is changed. You have a form of government that is based on representation of industry, that is, the men in the steel industry vote as steelworkers in the steel industry,

and it is their representatives who are in the councils of the government. The men in the shoe industry vote as shoe workers, and choose their representatives to the council in the government, and the national government as such, the supreme council, is the representative of the working class, and it must be so, because the workers derive their livelihood from the product of industry. They know about their particular industry, and a socialist form of government is a government that is concerned with the production and distribution of the necessities of life for the advantage of the people. And this government necessarily must get its expression from industry to know how the necessities of life are produced, to know how much is needed by the workers of the necessities of life, and furthermore, socialism recognizes that the working man cannot be free, and the working man cannot be emancipated unless democratic control of industry is established. The worker, outside of the factory, is permitted to vote. He has the privilege if he lives long enough in the country, if he lives long enough in the district, to go once a year or every two years, or every four years, and choose the various officials for the government. But in the shop where he works, the worker has no democratic control at all. In the shop the workers works day in and day out, all the year round. The shop is more important to the worker than any other political institution, because it shapes his life day in and day out. His wages, the amount of money he receives in the shop, determines the way in which he shall live. If he gets poor wages, why, of course, he will lead a miserable existence. If he gets big wages, why, his condition will be materially better. And in the shop the worker applies for a job to a master, and the owner lays down the condition of employment. And the worker has only one privilege, to accept or decline those conditions. But once working in the shop, he must obey rules, the making of which he has no voice in. He must work a certain amount of hours, he himself having no say in determining the amount of hours

that he has to work. The worker in industry today is not democratically controlling the affairs of his life, and the socialists maintain that it is the duty of the working class to organize efficiently for the democratic control of industry. And we see that in Russia, where we have the dictatorship of the proletariat, the democratic control of industry has been put into effect. You have the workers in the shops, through elected shop committees, determining—

The Court: One moment. There is no evidence of that in the case.

Gitlow: If your Honor please, I am trying to explain—

The Court: (*interrupting*) You are attempting to state conditions in Russia, and there is no evidence in the case in regard to conditions in Russia.

Gitlow: But the manifesto deals with conditions in Russia, and explains what the dictatorship of the proletariat is.

The Court: You state if you like, that the manifesto contains certain language. Whether that be true or false, there is no opportunity of determining here, because there is no evidence upon the subject.

Darrow: Your Honor, he has a right to refer to historical facts.

The Court: It is not an historical fact as to what he is stating of the conditions in Russia.

Darrow: We claim it is. He claims it is.

The Court: He may claim anything he likes. Would you consider the converse of the situation. Would it be proper for the District Attorney to undertake in his summing up to call attention to false statements of conditions in Russia as the District Attorney believes them to be? Certainly not.

Darrow: Your Honor, everybody reads history from his own standpoint, more or less.

The Court: Everybody reads the newspapers, but newspapers are not history.

Darrow: They are current history.

The Court: I cannot agree with you.

Darrow: People know something about Russia.

The Court: I will not discuss it. I will not allow the speaker to continue as to statements of conditions in Russia, or the forms of organizations as to which there is no proof in the case. He may refer to the fact that something is stated in the manifesto.

Darrow: I take an exception.

Gitlow: Well, I will close my remarks at this time by making a short statement—

The Court: I understand, counsel objects to the Court interrupting the defendant at the point that the Court did.

Darrow: Yes, your Honor, and I excepted to the remarks.

Gitlow: The manifesto of the Left Wing Section of the Socialist Party is a statement of the principles of Revolutionary Socialism. These principles maintain that in order to bring about socialism, capitalist governments must be overthrown, and in their place a new form of government must be set up, known as the dictatorship of the proletariat. I wanted to show how essential it was for the establishment of socialism to follow that fundamental principle laid down in the Manifesto of the Left Wing, but if I cannot show historical facts, if I cannot make statements about conditions as they exist in a country which has followed the principles laid down by the Left Wing—

The Court: (*interrupting*) The Court must interrupt you again. The Court has advised the defendant that he cannot make statements of what he claims to be facts, and having so advised the defendant, the defendant shall not by direct language or by indirection criticize the ruling of the

court. You will refrain from saying what you would do if you could, or what you will do if you can. Proceed with your argument.

Gitlow: Well, gentlemen of the jury, I think when you read the Manifesto of the Left Wing Section of the Socialist Party, you will understand what the fundamental principles involved in that manifesto are, I want you to realize that I believe in those principles, that I will support those principles, and that I am not going to evade the issue. My whole life has been dedicated to the movement which I am in. No jails will change my opinion in that respect. I ask no clemency. I realize that as an individual I have a perfect right to my opinions, that I would be false to myself if I tried to evade that which I supported. Regardless of your verdict, I maintain that the principles of the Left Wing Manifesto and Program on the whole are correct, that capitalism is in a state of collapse, that capitalism has brought untold misery and hardships to the working men, that thousands of men in this democratic republic are in jails today on account of their views, suffering tortures and abuse and nothing—

The Court: (*interrupting*) Again the defendant must cease from making statements. There is not evidence before the court that anyone is in jail or suffering tortures and abuse. Proceed.

Gitlow: All I ask of you, gentlemen of the jury, is to consider the language of the manifesto, to realize that the manifesto stands for a new order of society, and a new form of government, and the communists today believe in a new form of society, and necessarily in a new form of government, and that they bend all their efforts in that direction.

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