

matter unless she perceives, firstly that obstinacy means dangerous isolation, and secondly that compliance will be compensated by other gains. Her currency also is dangerously depreciated. Her credit also is low. She too has need of raw materials. She would claim and fairly claim (as of course the British Empire would not) some share in the benefits of an international loan.

American liberalism missed through Mr. Wilson's failure, the first chance of giving to Europe a healing peace. Today, when Europe sues for a loan to restore its industry and save its civilization, a second chance has come. If the loan is refused, as one fears it will be, our continent will be flung back on the prospect of depopulation, revolution and hunger wars. If the loan were granted without political conditions (as it must be, if it is left to the initiative of private finance) it may only feed the flames of nationalist passion and class war that are devouring vast areas of the old world. If it were possible to hope that the democracy of the United States had the instinct, and its leaders

the diplomatic resource to make American participation in an international loan contingent upon political conditions, America might yet write her signature below a great and constructive peace. By all means let the peoples and governments of Europe be required to practice mutual aid. Let the British Empire shoulder its full share of the sacrifices and the risks. There is, however, among the European powers none which has the capacity for leadership, none which has the material resources, to dictate as a condition of financial help, the necessary political changes. The American Republic alone stands out, alike by its wealth and its aloofness from our many selfishnesses, with the power and the moral authority to enforce the political preliminaries of any economic reconstruction. If the Russian war could be ended, if the indemnities could be reduced and if free trade could be restored over that needy central area, a relatively modest loan might suffice to restart work in Europe.

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## Perhaps the Turn of the Tide

THE sad fate of the Graham anti-free-speech bill in the recent hearings of the Rules Committee of the House of Representatives may have marked the moment of the first beginning of the turn of the tide which now for so long has been running against civil liberties but which at those hearings recoiled on itself and stopped and even began to run back a bit toward un-per-cented Americanism. Perhaps it was only an eddy. But it had the look and feel somehow of a real turn.

The engineers of it were few enough, and sudden enough. The Sterling anti-free-speech bill had come over from the Senate. For it had been substituted the wording of the Graham anti-free-speech bill. A special rule to place this bill on its way to passage was being sought from the Rules Committee. The nation slumbered. So far as it saw the bill at all, it saw it only as a bill against the direct advocacy of "force and violence." The Congress slumbered. It slumbered with the nation, in the same dream of no danger from this bill for anybody except Reds. Observing the nation and the Congress slumbering, I joined them.

I noticed, though, a few minutes later, that meetings seemed to be happening in the general neighborhood of the Washington office of Judson King, general manager and particular promoter of sometimes unpopular activities by the National

Popular Government League,—the head of which, Senator Owen of Oklahoma, is one of those unusual persons who are willing to take their turn at risking unpopularity on behalf of government by the people. Unpopular, I should say, was a word clearly deserved by any activity against any bill saying for itself that it proposed to hurt a Red. Mr. King, however, seemed to be engaging in such an activity, and certain newspaper men seemed to be engaging in it, too—Gilson Gardner, for instance, of the Scripps McRae Editorial Board, who by the way, I should think, could now count as many notches on his sword for good blows struck for good causes as any man who has represented publications in Washington from the first days down—and certain large, very large, labor men.

In fact, the American Federation of Labor seemed to be interested. The American Federation of Labor seemed to have come to the point at which it perceived—with a new clearness—that the tide to engulf the Reds in whirls of criminalized words was not likely really to do so much harm to Moscow as to the building at Ninth Street and Massachusetts Avenue inhabited by trade-union leaders who have done their best to deserve well of the republic by being patriotic in war and staunch against revolution in peace.

These people seemed roused. I indulged myself

in the hope that, perhaps, they also began to feel that one cannot connive at unconstitutional wars in Russia and at Russian repressive laws in America without in the end finding one's own liberty attacked. Their liberty—their very own—was now in the shadow of jeopardy. Why were new statutes being sought? Existing statutes—Sections 5334 and 5335 of the Revised Statutes—provided large punishments for persons rebelling against the United States and for any “two or more” persons conspiring to rebel against it or conspiring even to “hinder” or “delay” the execution of “any law” of the United States. Why are forces hostile to labor seeking further statutes in which, for instance, as in the Graham bill, there was a constant, cunning, vague use of the word “force” and in which the same hedge of divinity erected against “political change” was erected also against “industrial change” and “economic change” and “social change”? Why?

In search of an answer to this question there were emissaries sent out, and presently it seemed that at an executive session of the Rules Committee a member objected to the immediate passage of the Graham bill, and hearings were ordered.

Thus do the turns of great legislative events depend on the quickness or slowness of people often few and needing to be quick indeed. It might seem really that had it not been for a quite small group of men—Popular Government Leaguers, trade-unionists, journalists, a few Congressmen and Senators, a few others—the Graham bill might have had no hearings but, instead, a quick special rule and a quick enactment.

The hearings, together with some little footwork done before them, threw the Graham bill into at least a temporary faint. There were three days of hearings. On the first of them the Committee and assembled citizens awaited the Attorney General. Word was announced from him, however, that he had to go to the White House. If this announcement was an excuse, it was a good one.

In place of Mr. Palmer there was a letter. Mr. Palmer wrote himself out of any suspicion that he was supporting the Graham bill. He was supporting a certain other bill, but not the Graham bill.

That other bill, I understand, does not behave so lavishly in granting powers to the Postmaster General. It does not so hurry to exalt Mr. Burleson. However, it gives itself to the checking of the speech of America to the same end as the Graham bill. Perhaps, if it comes to the Rules Committee, it will find the same impediment there to its rapid passage. There is a certain precedent now.

The hearings on the Graham bill were a sort of set of lectures on free speech, its origin, nature and nurture. An attempt was made by several of the

speakers to revive the principle, the quite ancient and certainly safe and sane principle, that a genuine overt act or at least a genuine acting conspiracy was a desirable preliminary to anxiety about the state of the republic and the repression of talk.

Mr. Alfred Bettman, who was assistant Attorney General in special charge of sedition and espionage cases for some nineteen months, was an expositor of this view of life. After having had much to do with seditious and espionage persons, as their prosecutor, he held that existing statutes covering peace-time sedition are ample. All seditious disclosing seditious acts or conspiracies could be under those statutes amply repressed and penalized.

The point was precisely there. Was one trying to prevent acts and conspiracies? Or was one trying to prevent words? An extreme case was put by a certain Congressman to Mr. Bettman:

“Suppose a man, all by himself, goes and hires a hall and tells people to rise against the government of the United States, can you reach him under existing statutes?”

Mr. Bettman seemed to doubt it. “Ah!” said the Congressman. “And now,” said Mr. Bettman, “let us look at the circumstances of your case. This man does it all by himself. Nobody encourages him. No organization supports or inspires him. He thinks up a rebellion all by himself. He hires a hall all by himself. Nobody helps him pay for it. He makes his speech all by himself. Nobody introduces him. He makes his speech. And nothing happens. That is your case. *Nothing happens.* Well, nothing happens.”

But if anything did happen, and if anybody was persuaded even to try to make anything happen, and if anybody did rise, or if “two or more” persons even thought it out that rising was what they would do, together, why, the case was different, as I understand Mr. Bettman's argument. Then there was something worth applying something to, and the existing statutes were there with a fully applying breadth of power.

These arguments of law, I suppose, a layman should hardly venture casually to repeat; and perhaps I do not define their edges as I should; but they seemed to cut quite deep into the attention of the Committee. More arguments of law followed from Jackson H. Ralston and from Zechariah Chafee, Jr. and others. The historic foundations of the art of speech among Anglo-Saxons and among those who have attached themselves to, or been attached by, Anglo-Saxons seemed to be on their way toward emerging into recollection. Mr. Gompers had already spoken, virilely, as always. Law had done some speaking, and Labor.

But meanwhile, I felt, that certain social forces were also speaking. I could hear the tread of the

Friends of Irish Freedom. The Friends of Irish Freedom, in all this talk about stopping everybody who ever talked upsettingly, seemed to detect a certain call to them. They detected it again in the wording of Section Six of the Graham bill where all persons are forbidden to put anything in a mailbox if it would make "an appeal to racial prejudice" and if it might thereby cause somebody to do some "rioting." I could feel that Mr. John E. Milholland, in his hotel some distance away, was not liking this bill. It did not seem to him, I guessed, to promote freedom in general or in the particular unembarrassed discussion of the relations between Irishmen and Englishmen. Perhaps he did not want to take full penal responsibility for every Irishman who might go and riot against an Englishman in the environs of Madison Square Garden after reading a postcard sent out by Irishmen friendly to Ireland and unable to refrain from allusions to events in Ireland prejudicial to Englishmen.

I deduce his feelings. I seemed to notice certain numerous consequences of them, in stirs and shifts of persons here and there, and in rumors of impending great meetings of awakened and informed citizens, informed at the meetings.

I also noticed, at a different spot in the horizon, that Frank Cobb wrote a wonderful editorial in the New York World and Philip Francis a wonderful editorial in the New York American. I hear that Frank Cobb and Philip Francis are known sometimes to associate in private. It makes no difference. But when they associate in public, it does. When the World and the American throw shells at the same mark, the mark does notice it, especially if the shells are like the ones that Frank Cobb and Philip Francis threw. They would have burst with effect even if the papers behind them had been puny. They were calculated to make any readers resolve that not only America should not perish from the earth but that pride of being an American and pride of being able to survive free, should not perish. They summoned Americans to the terms on which survival is tolerable—and on which also it becomes certain. Those were American shells, and in the list of writings for liberty in America not destined to go unlaureled.

There were writings also, I heard, by one Grenville S. Macfarlane-Macfarlane, of Boston, a lawyer who practices from time to time before a quite multitudinous jury by writing for the Hearst papers. I did not see what he wrote. But he came to Washington in person. And I am bound to mention two of his peculiarities. He has a brain extraordinarily difficult to confute and two of the most unblinkingly round and candid and honest eyes now in distribution and circulation. His calm and wrest-

ling intelligence, which is likely to score a down against almost anybody in five minutes, came; and his character came. They are really among Washington's most remarkable—to say nothing of most cogent—visitors. They came.

They came with great opportuneness. And telegrams came from publishers. There were several inches of telegrams falling from very clear parts of the sky. Owners of printing-presses, just printing presses, not Marxian ones, but simply things on which words are imprinted on paper, began to feel that they had some title of interest in legislation likely to hold almost any word guilty if in its innocence it gave a wrong impression of its character to rough readers. Socialist printing-presses, Bolshevik printing-presses, were not particularly heard from. It was Republican printing-presses, Democratic printing-presses.

I had a strong suspicion that Bolsheviks and Syndicalists and I. W. W.'s were not ravenously interested in the Graham bill. It was Americans, as contrasted with Bill Haywoods, that fought it. No representative of the Scarlet Woe appeared before the Committee to argue. Of course there was indeed Swinburne Hale. He had just completed an argument before the Labor Department on behalf of certain claimed rights of the Communists recently arrested for storage in bond and subsequent re-exportation to their port of origin. But Swinburne Hale was acting only as their lawyer, with an interest in getting individual trials instead of a mass-trial for his clients, thus showing a certain degree of disbelief in at least some sorts of mass-action; and he was also *Captain* Swinburne Hale, recently of the United States Army and of the Military Intelligence Division of the General Staff of it; and it must be said for him that when he appeared before the Committee he displayed a great interest in the preservation of America from at least certain varieties of European social practice.

He and Mr. Ralston, besides arguing powerfully for the principle of free speech, presented also certain allegations regarding the methods used in existing efforts to enforce certain existing statutes (such as the deportation one) which impel officers of the United States to act against masses of men in the manner of a legal pogrom. He specifically charged that the Attorney General of the United States has violated the Constitution of the United States and the statutory judicial practices of the United States by causing individuals to be arrested without warrant and imprisoned without charge and subsequently, after shameful hardship and indignity and suffering, released still without charge—men simply maltreated on suspicion. This is not supposed to be a government by suspicion. Mr. Ralston said so.



Mr. Hale went even further. He specifically accused—and it was perhaps the first time that the accusation had ever reached official Congressional ears—that the Department of Justice had adopted the interesting historical Russian habit of planting things in places where subsequently they could be victoriously found. He charged that the Department of Justice took part in committing the crimes which it detected. He charged that the Department of Justice was employing “agents provocateurs,” precisely as the Tsar’s government employed them.

I call this Russian habit interesting. I believe it greatly interested several members of the Committee. The radicals employed by the Department of Justice to do radical things in necessary subtle acceleration of radicalism among radicals subsequently arrested—do such creatures of the old Russian slime exist in America? Can it be true that Mr. Palmer, in order to preserve America from the methods of Nicholas Lenin, has imported the methods of Nicholas Romanoff? Was there success in those methods in Russia? And can it be that America has no competent indigenous methods of self-preservation? Is there no virtue in the relics of Benjamin Franklin?

I understand that certain members of the Committee would rather like to know. The Committee threw the Graham bill back to the Judiciary Committee without a special rule in favor of it and with a ruling against it instead and an injunction to the Judiciary Committee to think again and draft something else. The Graham bill seems in a faintlike coma. And the Committee seems to have gained—at least in some parts of it—a certain curiosity as to the actual inevitable administration and operation of all these easily and conscientiously written Congressional commands to cleanse this country of foul and noisome thoughts.

I am told that the Committee thinks of summoning Mr. Palmer before it to find out how Russian Mr. Palmer is. If that finding out happens, and if it goes to a revealing of all the ways of the Department of Justice, we shall come to the true test—and to the true insoluble difficulty—of the sort of legislation recently devised and still projected among us in the field of espionage. That test is precisely operation, administration.

Then, perhaps, recoiling in an instinctive native dread from the consequences of our artificial neo-Americanism, we will go back in haste to antique Americanism, where the safety of America is not in fear and the stuffed ear, but in the illumined imperturbability of that great business man, Benjamin Franklin, a great man indeed, who can inspire both thrift campaign and liberty, a great man of a great age. This was an age in which our rulers were in the full flow of the thought of their time, abreast of

it, ahead of it; men whom in spite of all that may be said about their economic drifts of impulse I will compare with any other group of men that ever made a great event, figures of manhood, speaking pretty well with the cool and benign sanity of Franklin and saying:

“Abuses of the freedom of speech ought to be repressed.” Yes. But! “But to whom dare we commit the care of doing it?”

Precisely. Franklin has asked it, and nobody has answered it. To whom, to whom dare we commit kingship?

I thought perhaps I saw the tide make its first turning back toward that question.

WILLIAM HARD.

## As The Ice Goes Out

“THE ice is going out.” Have you ever caught the excitement, in the low-lying levels along the great western rivers, at a time when the oldest inhabitant commits his reputation to such a prediction, in the face of the fact of a river surface apparently as solid as land, deep covered with sand-grayed snowdrifts, criss-crossed with beaten roads where four-ton trucks still ply from bank to bank? If you are a stranger you remain incredulous; but if you have lived long in the valley you drop the veil of imperceptiveness from your senses and become aware of the fact that everything animate about you is behaving strangely. The sparrows are forming in close groups as if for grave conference; the nervous guinea fowl fly from hummock to tall tree and cry pathetically, “Ka-quink, kaquink”; the swine feed greedily as if to lay in store against the unknown; the horses in their stalls neigh without reason, and the lowing of cattle sets the air a-tremble. Next morning you awake in a world enfolded in mist, luminous, pregnant with the breath of the south. Torpidly you go about your daily affairs; to be sure, the cows must be fed and milked; the groceries must be sold and delivered; the sick must be visited and the dead buried and the wills probated; but how irrelevant it all is, when nature is stirring in her sleep, about to awaken fresh and young as at the beginning of days. You find time to trudge through the softening snow to the river bank. It is still an unbroken expanse of wind swept ice and sand-gray drifts; there is still a four-ton truck chugging toward you from the other bank; as it takes the sharp slope up to your level, barely moving for all its noise and fuss, you climb to the seat beside the driver.

“My last trip,” he remarks emphatically. “She sags awfully, out in the middle.”

At last the mist lifts, and under a low, glowing