

Winter 1939

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### Recommended Citation

Horace J. Bridges, Suggestion Toward a New Definition of Treason, 30 *Am. Inst. Crim. L. & Criminology* 470 (1939-1940)

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## A SUGGESTION TOWARD A NEW DEFINITION OF TREASON

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HORACE J. BRIDGES<sup>1</sup>  
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History is likely to describe the period through which we have lived as one of steady moral deterioration in the relations between what are considered the most civilized nations in the world. Some scholars may perhaps date this decline from 1870, and divide the responsibility for it between Napoleon III and Bismarck. Others may place its commencement about 1898, and hold it to have been inaugurated by the failure of the last serious attempt at a friendly and equal understanding between the British and German Governments, which was abandoned (as Wickham Steed records) when the English found that the Germans were entirely unwilling to enter into an equal partnership, or consider any settlement that did not leave them definitely dominant. But all will agree that the decline was in full process shortly after the turn of the century. This worsening of international moral relations may be regarded as one phase of a general decline of ethical standards, which has affected for the worse the relations of private men as much as those of States. The deterioration of personal morals we have often considered. Our present business is with the specific problem of the relations of governments.

Many readers may be surprised by the assertion that the decline in question is not to be regarded as a result of the World War which began in 1914. For the ordinary citizen, too busy to occupy himself profoundly with history, thinks of that year as the date of a sort of modern Fall of Man. The facts, however, constrain us to regard that war not as the cause of a subsequent deterioration, but as itself the effect of one which had long preceded it. We need but remind ourselves of the diplomatic intrigues of several previous years: the Italian seizure of Libya, which Professor Borgese regards as the real cause of the World War; the Moroccan incident of 1912; the Austrian ultimatum to Serbia, which not only demanded fair satisfaction for the assassination of the Archduke, but imposed terms which no nation could accept without abandoning its inde-

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<sup>1</sup> Leader of the Chicago Ethical Society.

pendence; the invasion of Belgium, in contempt of a pledge not to violate its frontiers; and the frankly expressed amazement of the German Chancellor that England should go to war over "a scrap of paper;" not to mention Italy's sell-out of the Triple Alliance in 1915. All these facts show that the debasement of international standards had already advanced far by the time the World War began.

That war made things worse in the sense that it rendered possible the rise to power of many men and parties who utterly scorned the old standards, and were determined to act upon the principle that there are not, and ought not to be, any moral obligations between nations. First in time came the victory of the Bolshevik dictatorship, whose contempt for "bourgeois morality" was unbounded. The Communistic tyrants ridiculed the notion that there could be any relations of mutual trust, friendship, or good faith between the two classes whose "war" was their prime dogma, with its inevitable outcome constituting their apocalyptic vision. They it was who initiated the practice of assuming that the normal relations between States are those of war, whether conducted on the military, the diplomatic, or the economic front.

In accordance with this conviction, the Bolshevik autocrats utilized to their fullest capacity the newly-perfected methods of propaganda and espionage, and the novel tactic, invented by themselves, of "boring from within." In accordance with their original conviction that Communism could not succeed in any one nation unless it were triumphant throughout the world, they made every kind of trouble they could for many different nations, scattered about the earth from China to America. No informed man can doubt that much of the unrest which our own country has suffered, especially in connection with labor relations, has been due to their machinations.

The art of "boring from within" means that agents commissioned and paid by the leaders in Moscow gain admission to organizations (labor unions and peace societies among others) the members of which are often entirely innocent of Communistic doctrines, purposes, or sympathies, and wholly unaware of the methods by which they are being exploited. This enables the borers from within to use every possible opportunity to provoke discontent and sabotage, and every conceivable means of inflaming that class war in which the Marxian fanatic sees the necessary prelude to the establishment of his utopian system. Some years ago a friend in-

vited me to join an organization called "The League Against War and Fascism." A critical examination of the announced purposes of the League convinced me that it was a false front for Communist propaganda. Accordingly, I replied that I would be willing to join if my friend could get the name changed and the objects enlarged so that it became a league against war, Fascism and Communism; because, as I told him, I detested all three equally. Curiously enough, this was not done. I heard no further from my friend, and have not since been invited to join. The name of the society, I understand, has been changed to "The League for Peace and Democracy." Whether the objects were changed when this was done, and the Communist influence eradicated, I do not know. I hope so.

It is not to be doubted, however, that our bitterest labor troubles (especially those "sit-down" strikes which caused such huge loss to our working men and employers, and so embittered the relations between them, as also the disorganization and destruction of discipline in our mercantile marine which reached most dangerous lengths two years ago) were chiefly due to Communist penetration; that is, to the activity of agents acting under orders from Moscow. The trade unions and the Labor Party of Great Britain also well know, by bitter experience, what endless trouble of the same order was caused to them by "borers from within" acting under Russian orders during the nineteen-twenties. That is why the British Labor Party would have nothing to do with the insidious propaganda for a "Popular Front," and has even expelled leading members (e.g., Sir Stafford Cripps) for advocating this.

The rise of Fascism in Italy, and the subsequent bettering of its example by the German Nazis, represented the adoption of these same Bolshevist methods; for a purpose nominally different from that of the Soviets, but actually identical with it in all essentials. That purpose was the establishment of an iron-handed dictatorship, accompanied by the suppression of all liberty of thought, speech, and action, and the identification of the nation and the State with the handful of self-chosen autocrats who in those countries wield all military and police power. There is a popular but erroneous belief that Louis XIV of France declared, "L'état c'est moi"—"I am the State." Though Louis did not say this, he could have done so with truth; yet, true as it was of him, it is far more completely true of Stalin, Hitler, and Mussolini, all of whom exercise a despotism unrivalled for completeness and effectiveness.

The latter pair (Hitler and Mussolini) have more particularly emulated and surpassed the Russian strategy of making war on other States under the mask of maintaining peace and friendly relations. One of the chief devices to which they have resorted for this purpose has been the impudent assumption of a right nominally to protect, but actually to coerce, all persons in other countries descended from their national stocks, whether such persons were born in the homeland or abroad, and whether they owe political allegiance to other lands or not. This "protection" they exercise, or seek to exercise, in cases where the "protected" people have been domiciled for many centuries in other lands, and even where they never have been subjects of the homelands; as was the case with the Austrians and Bohemians, none of whom had ever been German citizens.

A glaring and well-understood illustration of the nature and success of these methods is furnished by the case of Austria. In that country an entirely illegal party, created, organized, and officered by *agents provocateurs* paid and commanded by Germany, was utilized to create a continuous series of disturbances, which were then alleged as justification for the seizure of sovereignty by Hitler. Identically the same method was used against Czecho-Slovakia; for the squabbles and uproars in the Sudetenland which offered Hitler his excuse were of his own making. The same process is now threatened against Poland, Hungary, and Roumania.<sup>2</sup>

But we may find illustrations of this process in events nearer home which are still more instructive for us. For this purpose we only need to turn our eyes towards South America. Here also the insolent assumption exploited in Europe is utilized. All Italians, from Patagonia to Canada—no matter whether they were born in the lands in which they live, or even spring from parents or grandparents born in those lands—are nevertheless told that they really owe allegiance to Italy; which means to Mussolini. Accordingly, they are to be cajoled or coerced into paying that allegiance and advancing Italy's aims, however injurious those aims may be to the countries of which they are citizens by birth, or to which they have sworn fealty. It is rather surprising that Mussolini does not claim the sovereignty of all America, on the plea that it was discovered by an Italian; but perhaps that will come later. Nor would it be astonishing if Hitler were to extend his fatherly protective

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<sup>2</sup> This paper was written in April, 1939.

care from Bohemia to England, on the ground that the Anglo-Saxon tribes who colonized and conquered that country fifteen centuries ago came, in some cases, from lands that now form part of the German Reich. Already he is bemoaning the sad fate of the "oppressed" Cornish and Welsh people, in the true spirit of the Walrus in Wonderland.

However this be, the claim set up by Hitler to sovereignty over all Germans in the Western Hemisphere is the same that Mussolini makes regarding the Italians. We need not hesitate to admit that he has just as much right to the allegiance of Germans in Buenos Aires or Rio de Janeiro, in Milwaukee or Chicago, as he had to that of Germans in Vienna or Czecho-Slovakia; no less, certainly—because there cannot well be less than zero. And Hitler has systematically set up his espionage, propaganda and interference-machinery in every American country between Cape Horn and Alaska. Things fraught with instruction for us are happening, and have been happening for several years, in South America. Brazil, for example, recently found in its Southern Provinces 1200 schools in which only the German language was used, and in which allegiance to Hitler and the Nazi dogmas was taught. Having lately discovered that as a result of this system many thousands of her own citizens could not speak Portuguese (which is the language of the country), Brazil wisely placed all her schools under Government supervision. The immediate result of this measure was that many of the foreign schools were closed; and it was then announced that hundreds of children of Nazi sympathizers had been sent to Germany to escape education in the principles of loyalty to Brazil. Inasmuch as the word "sympathizers" here undoubtedly means, in most cases, agents acting under orders, it will be wise for Brazil to see to it that these children do not return, but that, having completed their "education" in Germany, they remain there to give that privileged land the benefit of their careers.

Argentina, despite the fact that she had unfortunately allowed the propaganda of Germany and Italy to damage her friendship and trade relations with our own country, has now found that her whole territory was fast being covered with a closely-meshed network of Nazi organizations, drilling for military purposes under Hitler's orders. This conspiracy had already developed to the point where plans had been worked out for the annexation of Patagonia to Germany. Argentina accordingly took the appropriate measures. She threw some of the leaders of these treasons into jail, deported

others, and did everything possible to eradicate this cancer from her national life.

These well-known developments are recalled simply to remind the reader of the factual basis for two propositions which seem to me unquestionable. The first is that these methods, systematically pursued by Italy and Germany, are methods of war; and the second is that the same methods are being practiced against us in this country, and have increasingly been developing for several years. The evidence shows, for example, that there are at least ten thousand Italian "Blackshirts" in the United States. These men are to all intents and purposes a branch of Mussolini's army. They drill in his foreign uniform, pay allegiance to and receive orders from his foreign Government, and are prepared to obey those orders, even though they should command deliberate acts of sabotage or war against this nation and its Government.

The number of Hitler's active servants and henchmen in our country is not precisely known. It is openly admitted, however, that at least two organizations of these are in existence. One is the so-called German Bund (which is understood to consist of Germans who are not American citizens) and the other the German-American Bund, understood to be composed of Germans who are citizens of this nation. The latter is declared to have enrolled some twenty thousand members. The number of non-members of either of these associations who sympathize with their anti-American propaganda and objects is variously estimated by different investigators at from fifty thousand to half a million.

But it is not only from genuine sympathizers that they draw support. Abundant testimony has also been given before the Dies Committee, from which it appears that threats of various kinds are employed to extort monetary contributions or other forms of aid from Americans of German descent who have no kindly feeling for the Nazi tyranny. Such persons are threatened with loss of business, with persecution of relatives in Austria, Germany, and Bohemia, and in some cases with bodily violence. The documents which conveyed such menaces were in certain cases exhibited to the investigating committee. Threats of this kind are notoriously difficult to prove to the satisfaction of courts; but the reading of the testimony will, I believe, convince any impartial observer that these tactics have really been employed, especially since it is well known that they were systematically used in Europe, and were one of the

first cowardly weapons borrowed by Mussolini and Hitler from the Soviet armoury.

Considerable attention has recently been given to a sensational book by Mr. Spivak, entitled "Secret Armies," which doubtless contains a good deal of truth, but certainly also contains many exaggerated statements. Perhaps it is curious (and perhaps it is not) that Mr. Spivak's investigations and exposures deal only with the anti-American activities of Fascist and Nazi agents. Regarding all Communist enterprises he maintains a stony silence. One part of his book implies that Congressman Dies has been unwilling to investigate anti-American activities by Germans. Mr. Spivak gives details concerning two men employed in American Navy Yards, in positions where they had access to highly-important documents and essential machinery was under their care. He believes that these men were spies and saboteurs acting under Hitler's orders, and he expresses alarm and mistrust at the very superficial way in which they were interrogated and the haste with which they were dismissed by the Committee. I can but say, however, that the four large volumes of testimony given to this Committee, which I have examined, begin with nearly twelve hundred pages of evidence of German subversive activities, all of which was taken before a single reference was made to the efforts of Communists. Everybody remembers, too, how the Communists praised this Committee so long as it was investigating the works of Fascism and Naziism, but promptly began to denounce and ridicule it when it turned its attention to equally poisonous and perilous activities by Communists.

The situation with which we have to deal, then, is as follows: Some thousands of people (a large proportion of them still German subjects, others American citizens in name and pretense) are sedulously working to substitute in this country a dictatorial system on Nazi lines, in place of the representative government established by our Federal Constitution. To this end they have instituted in the United States all the methods which led to the success of Naziism in Germany itself, and have since promoted similar subversive activities in neighboring countries. They have, for example, established schools in which they are systematically perverting the minds of children. By the sort of "education" given in German schools they are poisoning the minds of these little ones against fellow-citizens who are Jewish, Catholic, or Negro. They are organizing them for physical and outdoor activities along the lines of the Hitler Youth rather than along those of American Boy and Girl

Scouts. They are also binding adults by oaths of allegiance to this foreign government and enlisting them in quasi-military organizations, which wear uniforms—not of American manufacture—scarcely distinguishable from those of the *Sturmabteilungen* through whose illegal activities the Nazi Party rose to power.

These organizations hold military camps wherein the soldierly drill is conducted entirely in the German language. They publish newspapers printed in America, such as the *Weckruf* and the *Beobachter*. They also disseminate pamphlets and books which have been illegally smuggled into this country, the purport of which is the disparagement of American institutions and the exaltation of the German system. They praise the anti-Semitic and generally anti-religious practices and propaganda of the Nazi tyranny, and disseminate the same propaganda here by every open and furtive method available to them. Upon occasion they hold parades and public meetings, which, under a transparent pretence of defending America from purely fictitious and imaginary dangers (such as the mythical hostility of “international Jewry”) are actually devoted to the advocacy of totalitarianism.

Multitudes of persons are, of course, aware of these activities, disgusted with them, and eager to stop them. Curiously enough, however, the discussion of them in patriotic meetings and in the public press seems thus far to have considered only their relation to that clause of the Bill of Rights which guarantees freedom of speech, a liberty of which all Americans are most properly jealous. It was on this ground that the popular Mayor of New York, who is well known to detest all that such organizations stand for, has nevertheless permitted the parades of the American Nazis. He refused recently to debar them from the use of a public hall which they had hired for the purpose of holding a demonstration. The Civil Liberties Union of that city has also (quite consistently) defended the right of these associations to liberty of speech.

I have certain alternative suggestions to submit regarding what seems to me the proper course for dealing with this problem. Before offering these, let me make it entirely clear that, in my judgment, no man need regard this issue with any trace of fear or panic. What these insolently subversive organizations and their activities call for is disgust and contempt. The surest way to make the entire American nation loathe and despise the Nazi system even more heartily than it does already is to make the people fully aware of what these tools of Hitler are doing and advocating. The frantic

lies, for example, which they and their American counterparts (such as the so-called Silver Shirts) disseminate regarding Jews and Catholics, will certainly win far more sympathy and support for those two groups than they might otherwise receive. And, as everybody who remembers the events of the last war must be convinced, the very sight of these foreign uniforms, and the proof by good evidence of one single attempt at sabotage, will rouse the American people to a fury of resentment that is likely to make the organizers of these Bunds wish themselves anywhere but on our territory.

My purpose here is to submit a suggestion for dealing with this matter which I have not seen referred to elsewhere. My argument is that the organizations to which reference has been made, by all that they say and do and intend, are, to the limit of their power, levying war on the American nation and its Government. They do not even pretend to have any other purpose than the advancement of a dictatorial system which could only succeed by destroying the political institutions under which we have lived in freedom, happily and progressively, for a century and a half. They are the submissive tools of a dictatorship which alike in Italy and in Germany has always spoken with the utmost contempt of the democratic ideal of life, and has invariably treated America as an enemy. These groups have been created solely to promote the interests of that dictatorship, and injure ours; and to obey the behests of its tyrants, both in times of nominal peace and of actual war, should the latter occur.

Accordingly, I would submit for the consideration of our legislative and executive officials (with all the deference incumbent upon a layman offering a suggestion to those learned in the law) that they consider whether, instead of limiting the argument to an issue of free speech, which is glaringly irrelevant, they should not rather seek a remedy for this evil by means of enactments which would class such activities where they really belong; namely, under the definition of *treason* contained in the Federal Constitution.

That definition, which constitutes Section 3 of Article III of the Constitution, reads as follows: "Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."

No student can fail to observe the extremely rigid limitation

of this definition. This was prompted by the memory of certain abuses which had been committed under the anti-treason laws of other nations. Inasmuch as there have been comparatively few cases adjudicated under this clause—a small number during the first decade of the Federal system, and a larger number which arose in connection with the Civil War, plus a very few associated with our participation in the World War—this part of our jurisprudence has undergone no such extensive development as many others have done.

The layman, reading this clause of the Constitution, will assume that treason cannot be committed against the United States in times of peace; and he will likewise suppose that "times of peace" are all those in which we are not engaged either in suppressing domestic rebellion or in an actual struggle at arms with some other nation, following upon a formal declaration of hostilities. Precisely here, however, is where the subtlety of the new conspirators against civilization is applied. The assumption upon which they act is the opposite of the civilized one. Instead of regarding peace as the normal condition, the rule to which war is the exception, they treat war as the normal condition; they regard it as the rule, and peace as the exception to it. The evidence of this as regards Germany can be read in the valuable work of Aurel Kolnai, "The War Against the West," and regarding Italy in the masterly treatise of Dr. Borgese, "Goliath: The March of Fascism."

It was by means of this fraudulent method of waging war under the mask of peace that the dictatorships were able in Austria, Czecho-Slovakia, and Albania, to bring about the extremest results of military conquest without the necessity of fighting a single battle. It was by means of this device that they were able to spread their cancerous system in Brazil and Argentina to the verge of a *coup d'état* in Brazil (which was crushed in the nick of time by Señor Vargas last year) and to the verge of a military revolt, accompanied by the annexation of a neighboring territory, which has since been unmasked in Argentina. My contention is that the most pedantic literalist cannot deny that all these were acts of war, and all the preparation for them was camouflaged warfare. I submit, therefore, that to discuss them as though all that mattered were their relation to the guarantee of free speech is absurdly irrelevant.

Regarding the latter issue, I adhere to the convictions which I expressed four years ago when discussing the case of Mr. Strachey. In a nutshell these are as follows: No man and no party can claim

any right for itself which it does not concede freely and equally to all other men. Accordingly, there is ethically no right to free speech for those who would use that right with intent to rob all other men of their freedom of speech. Nevertheless, I hold that it would be both undignified and impolitic for us to prohibit this privilege to these subversive groups; undignified, because this would imply a fear on our part which would be ridiculous; and impolitic, because by withholding this right from abusers of it who do not deserve it, we might well be setting a dangerous precedent that could be used hereafter against innocent and worthy groups. The more openly and freely these enemies are permitted to speak, the greater will be the disgust and hostility they will arouse, and the easier shall we find that counter-propaganda to which we must resort in order to neutralize the poison they disseminate.

But my question is this: What on earth has "free speech" to do with the raising and drilling of private armies? With the taking of oaths of allegiance to foreign governments? With violating the spirit of that Constitutional provision which prohibits discrimination against fellow-citizens on grounds of race, creed, and color? With the setting up of schools of anti-American doctrine? With illegally sending reports to Germany and receiving orders therefrom, via German ships, in plain violation of our laws governing the use of the mails? To discuss such activities under the heading of "free speech" is preposterous. Yet we have unrefuted and irrefutable testimony that all these things, and others equally treasonable, have been done.

Treason against the United States consists only in levying war upon them and in giving aid and comfort to their enemies. Nevertheless, under this clause it has been ruled by our Courts both that treason can be committed by aliens, and also that "acts by which war is brought into existence" may constitute treason. The first ruling is based upon the fact that aliens, alike by international law, domestic law, and natural necessity, owe a limited and temporary allegiance to the State which has received and is protecting them. Moreover, it has been ruled by the Federal Courts that "successfully to instigate treason is to commit it."

In accordance with these findings I argue thus: If our jurists are ready to admit that a spade remains a spade even when it is called an agricultural implement; if they are ready to concede that what they cannot deny to have been war in Austria, Czechoslovakia, Argentina and Brazil, is also war in the United States,

then they must admit that those who are waging or preparing to wage such war here are guilty of treason, even under our straitly limited definition of that crime. If this be granted, it should not be difficult to frame a statute, fully consistent with the letter, spirit, and purpose of the Federal Constitution, which would bring those guilty of these hostile activities under the penalties due to traitors. Beyond any question, these are "acts by which war is brought into existence." They are "instigations of treason," which the membership of these two Bunds proves to have been successful in some thousands of cases. And, whatever the overt pretences of these associations may be, their real purpose in America is legitimately to be inferred from the outcome of the like acts of similar bodies in those other countries which have been robbed of their independence through such activities.

If this proposition should meet with agreement, then an appropriate statute to meet the exigency should also include a definition of the old offense of "misprision of treason" (which has been construed as consisting chiefly in the concealment of knowledge of treasonable activities on the part of others), and the imposition of due penalties therefor. Consideration should also be given to the need for guaranteeing protection for witnesses against the threats which (according to testimony given before the Dies Committee) have prevented, and are still preventing, many persons from informing the authorities about such activities.

There are many considerations which render such enactments necessary. Prominent among them is the need for vindicating the honor of the great majority of our citizens of German descent. We have had manifold proof of the true Americanism and genuine loyalty of these people. The last war was the acid test. We were engaged in hostilities with the land from which all their forebears had come, the land whose great cultural tradition they naturally remembered with kindly affection. Despite this, and in spite of the utmost propagandist activity carried on by the Kaiser's agents, our citizens of German and Austrian ancestry stood by our common country and fought for its cause as faithfully as any other group. A loyalty which will stand this test is corruption-proof. Most clearly do we owe it to these faithful citizens to break up all organizations of traitors which may even appear to reflect discredit upon them, or to carry any implication that they could be seduced from their allegiance. The notion that the spiritual and cultural kindred of Carl Schurz could become the tools of a self-deifying sadist like

Hitler is, to any thoughtful mind, ludicrous enough. But until the actual numbers and personal records of the alien traitors and their American accomplices have been revealed, and their conspiracy shattered, every American of German origin must be embarrassed, and feel that he stands in a false light in the eyes of his fellow-citizens.

The first need, then, is for the public authorities to demand and procure full, verified information concerning the exact numbers enrolled in the German Bund, the German-American Bund, and all other organizations, like the so-called Silver Shirts, which favor any part of the Nazi program, such as anti-Semitism or anti-Catholicism. The exact terms of all oaths or pledges taken by the members of such associations to the organizations themselves, and to the foreign governments they represent, must also be disclosed; and not only those which are spread upon their records, but also those which are administered secretly. What are these people pledged to do in America? What promises of obedience have they given to Hitler or to Mussolini? Whence did they obtain the uniforms in which they parade and drill, and the weapons which they occasionally use for these purposes? On all of these matters, if I mistake not, the American public will demand the fullest information.

Needless to add, proof of any pledge made to any foreign government or agent thereof, to obey orders which might be inimical to the interests of the United States, should entail the prompt dissolution of the organization whose members have made it. Upon proof of participation in any such anti-American activities, any ambassador or consul, or agent employed by him, should immediately receive his passports. Such proof should not be difficult to establish if the abundant evidence given by entirely independent witnesses before the Dies Committee were followed up by competent investigators. Also, any refusal of information on any of the points above mentioned, no matter under what pretense, should be adequate cause for the dissolution of the society concerned.

In the espionage trials held in the State of New York last year, convictions were actually obtained for illegal anti-American activities by German agents. Only persons of very inferior status, however, were accessible for trial under the indictments which led to these convictions. Charges were also drawn up against persons known to stand high in the Nazi Government in Germany. Some of

these convicted spies were sent to jail, as were others found guilty of prohibited activities on behalf of Japan in the Canal Zone.

It is fairly to be assumed that the vigilance of our counter-espionage department and our Secret Service is duly directed to these perils. In view, however, of the atrocious happenings elsewhere, the American public would like to be officially assured on this point. There is also a legitimate presumption that every German, Italian, and Japanese ship which enters an American port may be used for these hostile purposes; legitimate, because our Courts have actually ascertained that such use has been made of certain German ships. It is surely not unfair to suggest that any ship once proved to have been utilized for such hostile purposes should not be permitted to re-enter an American port.

It has already been admitted that the offences against the American nation and Government alleged by witnesses before the Dies Committee, and still more those so luridly recorded by Mr. Spivak as the result of his own investigations, have not thus far been proved according to the rigid standards of evidence rightly enforced by Courts before they will proceed to the conviction of defendants. No just man will suggest that any person lying under the imputation of treasonable activities should receive anything less than a full and fair trial conducted in accordance with the requirements of that section of the Constitution which defines treason, or that he should be sentenced to punishment on anything less than fully conclusive evidence. The standard of evidence upon which Courts necessarily and rightly act is more rigid than the standard of probability which should guide investigations undertaken in the interests of national self-defense. And the Federal police, the Secret Service, and the counter-espionage department, whose business is the ascertainment of facts and not the punishment of offenders, will do well, in the light of events in other lands as well as those uncovered here, to assume that the bulk of the charges made before the Dies Committee are true until the contrary has been proved.

What is needed, of course, is not only an exposure of facts and punishment of the guilty, but also an effective house-cleaning. All persons proved guilty of such treasonable activities, if they are aliens, should after due punishment be deported. All alleged American citizens convicted of the like activities should have their citizenship revoked (since clearly it either was acquired under false pretences or has been abused to the point where forfeiture is merited),

and they too should be deported after undergoing whatever punishment the law may impose.

These, it seems to me, are the lines on which we should proceed in dealing with what is nothing less than a conspiracy against our national freedom and existence. We are dealing here with the same cunningly-developed subversive activities which have actually destroyed the independence and national lives of three nations in Europe, and which came near to doing the same in two great nations of South America. This is no matter of the concession or refusal of the right of free speech; and all the discussions which suppose that it is are a mere beating of the air. War is being levied upon us. "Acts by which war is brought into existence" have been impudently committed for a number of years. Treason, in some thousands of cases, has been successfully instigated. That treasure of free self-government which we have inherited from our fathers, and of which we are the trustees responsible to our posterity, will be in grave peril if this conspiracy is merely disregarded. Now in special is the time for all American lovers of liberty to pay the recognized price of that eternal vigilance which is its sole efficient guardian.