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Opticians & Opticians

305 Broadway, Corner Duane Street, 17 W. 24 St., 3 d'ra 1'm McCreery & Co., 44 East 23d Street, near 4th Ave., 64 W. 15th Street, near Lenox Ave., 42 Columbus Ave., 100 and 82 Sts., 70 Nassau Street, near John Street, 1406 St. Nicholas Ave., 180 & 181 Sts., 240 Broadway, bet. 39 and 100 Sts., 3548 Broadway, bet. 145 & 146 Sts.

1007 B'way, nr. Willoughby, B'klyn., 459 Fulton St., opp. A. & S., B'klyn.

683 Broad St., next to Bedell, Newark.

that I have quoted Mr. Littleton correctly.

"I say, further, that this really brings up the crux of our entire contention in this case. What Mr. Littleton assumes to do, or wants your committee to do, is to construe the meaning of treason and to prohibit your fellow members from describing it."

He strode away from the counsel table and paced back and forth as he cried his denunciation of his opponent's charge.

"I hold," he exclaimed, "that every progress made by human society was progress along the direction of changing views or elevating pursuit. That sounds traitorous—one day to expel the theories, the other day to say that this is right."

"The right to utter remarks which to the majority may seem the principle is a sacred constitutional right in this country—in this state. For what I implied by my statement was that there are always initiators."

"There are always pioneers of new movements, new ideas. When they first utter them they strike those at whose vested interests they strike, and after a time the majority of the people come to see that the line of progress, the direction of their lives in that direction and they accept it."

"Now we have a right to hold our opinions about the welfare of this nation and this people, no matter how anybody else, no matter how our opponents, consider our views."

"We are teaching to-day economic freedom, emancipation of the working class and of the whole community. It sounds treacherous and traitorous to you. Maybe it does. But it is our good right to hold those doctrines, and you are not to judge us more than we are yours."

"No Argument in 'Star-Spangled Banker'"

For the second time since the start of the trial he seemed to have loosed himself entirely from the lawyer, almost obsequious, personality that is usually his. His stocky body trembled with the violence of his outburst.

Then, gradually, the storm wore away, and presently he was speaking with a wry smile of Mr. Littleton's violent and poetic defense of the Constitution.

"Remember, gentlemen," he remarked in closing, "at all times 'The Star-Spangled Banner' is a beautiful and inspiring hymn, but it is not a legal argument. In a case of such grave, tremendous, vital importance as the one here presented to you."

Mr. Stedman succeeded him, and in a brutal took occasion to contradict precisely by the charges advanced arbitrarily by Littleton.

"Through Mr. Littleton," he said, "we have at least reached the issue involved in this case, which is the carrying of a new philosophy into life."

"We cannot misunderstand counsel's attitude. Our disloyalty consists in that we believe in a gradual, orderly constitutional change to an industrial democracy."

He then renewed his plea that the chair rule that the complaint which consists of seven general charges, constituted no basis for action against the five men.

This motion was denied.

**Littleton Leaves Albany for Michigan**

Gilbert E. Roe, lean, with a brown thin face and a dry, composed manner, is the first of the Socialist party to address the chair during the day. He urged that the Assembly had no right to exclude the five Socialists from its membership until they had been convicted, and recited long precedents in Congress and the Legislature to establish this.

He spoke of the fact that when Snood was elected, others had been under charges in the Senate they were permitted to continue their part in the sessions of that body. He mentioned this point to prod Mr. Littleton.

"Senator Newberry is keeping his place in the Senate," he asserted. "If I am wrong Mr. Littleton will correct me, as he is very familiar with the case."

Mr. Littleton left this afternoon for Michigan, where he is to act as chief counsel.

In the course of his plea that the committee report back to the Assembly that the exclusion was an unlawful act, Mr. Roe became embroiled in a three-cornered argument with Mr. Martin and John B. Stanchfield.

When the legal clash subsided he said mildly and perfectly gravely: "I am the only Socialist in the Assembly who is questioned during the course of his argument, and perhaps I ought to say, if my language is at all intemperate, I don't mean it."

"You see," he continued solemnly, "I certainly don't want it charged upon me that I am a Socialist, because, as it happens, I am not a Socialist. I am just an old-fashioned Republican who still believes in the Constitution and the Declaration of Independence."

"No such plea occurred at all," Martin snapped in reply.

"I am very glad to hear you say that," Roe responded, still without a twinkle of a smile, though a chuckle sounded through the room.

At the conclusion of Mr. Roe's address Mr. Stanchfield arose in refutation. He was stern in aspect.

He told the chair that he ought to disregard Mr. Roe's contention that there was no precedent in constitutional law for the action taken by the Assembly.

"This investigation," he said, "is being conducted into loyalty and is irrespective of precedent. It requires, by its peculiar nature, that the Assembly, in defense of its own dignity, make its own precedent."

"We are not engaged," he asserted, "in the discussion of the philosophy

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The profligacy, carelessness or credulity of heirs can not be curbed by any trust company, unless the idea of appointing such an executor had been previously "sold" to the testator.

In the campaign of education by this bank, a valuable and far reaching service is rendered the individual and to society, with proportionate reward to the server.

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"I assume that the theory of the constitutional government is that a body whose action cannot be reviewed by a higher tribunal imposes upon itself the law, rules of procedure and method of procedure and determination."

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**Commercial Agreement With Russia Cited**

"Following that is your elucidation that by adherence to such declaration the party has indorsed the principles of the Communist international now being held in the Assembly are in hearty accord and sympathy with the Soviet government as it exists in Russia to-day, and they have declared their solidarity therewith."

"That after the schemes or programs of the Soviet government were fully known and their practices or principles revealed, this machinery of which these members in deliberative session declared their allegiance and solidarity with such Russian Soviet government. The time has been changed in it from the day of the convention to the day when this document was drawn and presented here."

"The conditions in Russia, judging by the public press, also have gone through a change and transformation in the minds of the world's most influential statesmen. It is often reported in the daily press that in Europe they are to resume, or institute, trade and commerce with the co-operative members of Russia."

"To any one with brains, who knows that industry is a part of the state and the state a part of industry, it is not surprising that the recognition of a political structure based on growing out of the economic structure of Russia, a large and influential factor of which is its co-operative members of Russia."

"We exclude a man because he believes that the people of Russia have a right to develop their own economic and political life in their own way. Today you lead out with this resolution, an attack made against these Assemblymen. You might have gone further and said that in the same convention a resolution was passed by which the same sympathy that was extended to Russia, the same heartfelt approval was extended to these in Ireland who believe in self-determination and their liberty."

**Claims Absence of Declaration of Fact**

"And you could have followed it up with the same applicability to Egypt. You could have followed it up with the same applicability to India. In other words, the doctrine of self-determination meant to the Socialists the language which it purports to carry, and believing in that, would it become a crime to stand for Irish independence, for India's, for Egypt's, as we stood for that of Russia?"

"If the offense here is that these men have voted on a foreign postulant system; no intimation, no declaration of fact, that they propose, or even dream, that a system which naturally develops from Russia's material conditions is adaptable to a highly complex industrial system, such as that of the United States."

"In France they elected sixty Deputies to the House. They were Socialists. They made the issue three Bolsheviks. Those men and their party had declared for the right of the Russians to govern themselves in their own way. Arthur McDonald, Snowden and the Labor party in England have done the same."

"The minority Socialists of Germany and the Socialists of Italy and Norway have declared for the same. There they have taken precisely the same position that the Socialist party has taken in the United States."

"Over here it is not regarded as an offense. Here it is not an offense in which a person can be tried and convicted and sentenced to the penitentiary. Here it could not even form the basis for a civil suit."

Mr. Stanchfield here interrupted and said that the motion was precisely the same motion as was passed on yesterday and differed in no substantial manner from the one previously denied.

The chair ruled that there might be

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Mr. Roe took issue with the statement made yesterday that the right to expel necessarily included the right to suspend. He held the power to suspend was merely a power to punish for contempt, violation of rules or disorderly conduct in the chamber.

"It has no likeness or similitude at all to the power to expel, which is exercised under different provisions of the Constitution of the United States when the expulsion takes place in that body, and under different provisions of the Constitution and statutes in this state when expulsion takes place here," said Mr. Roe.

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"Constitutional government cannot survive if this power of suspension is to be exercised as it was in this body on the seventh of this month," continued Mr. Roe.

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Mr. Roe urged the committee to report to the fact that Monday a week ago, when the Assembly met, it made a mistake in suspending the Socialists. It was to urge the Assembly to recognize its mistake that Charles E. Hughes and the other members of the Bar Association's special committee came to Albany.

"These Assemblymen," continued Mr. Roe, "are not here to prove their guilt, but to prove their innocence. We all of us as lawyers are familiar with the fundamental proposition that they are presumed to be innocent until the contrary is shown. They are presumed to be innocent until the contrary is shown. It is not true, sir, that the fundamental constitutional principles of this government can be subverted in that manner by a majority vote of the Assembly here and saying that 'it is for you to prove your innocence.'"

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There is no statement in precise terms of what that convention declared. There is no statement here to designate the character of the Soviet Russia to which these men adhered and which they regard as such an infamous offense a foreign land that an American judgment upon a foreign condition becomes a reason for exclusion here.

Following that is the statement that by adherence to such declaration, the party has indorsed the principles of the Communist international now being held in the Assembly are in hearty accord and sympathy with the Soviet government as it exists in Russia to-day, and they have declared their solidarity therewith.

"That after the schemes or programs of the Soviet government were fully known and their practices or principles revealed, this machinery of which these members in deliberative session declared their allegiance and solidarity with such Russian Soviet government. The time has been changed in it from the day of the convention to the day when this document was drawn and presented here."

"The conditions in Russia, judging by the public press, also have gone through a change and transformation in the minds of the world's most influential statesmen. It is often reported in the daily press that in Europe they are to resume, or institute, trade and commerce with the co-operative members of Russia."

"To any one with brains, who knows that industry is a part of the state and the state a part of industry, it is not surprising that the recognition of a political structure based on growing out of the economic structure of Russia, a large and influential factor of which is its co-operative members of Russia."

"We exclude a man because he believes that the people of Russia have a right to develop their own economic and political life in their own way. Today you lead out with this resolution, an attack made against these Assemblymen. You might have gone further and said that in the same convention a resolution was passed by which the same sympathy that was extended to Russia, the same heartfelt approval was extended to these in Ireland who believe in self-determination and their liberty."

**Commercial Agreement With Russia Cited**

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**Claims Absence of Declaration of Fact**

"And you could have followed it up with the same applicability to Egypt. You could have followed it up with the same applicability to India. In other words, the doctrine of self-determination meant to the Socialists the language which it purports to carry, and believing in that, would it become a crime to stand for Irish independence, for India's, for Egypt's, as we stood for that of Russia?"

"If the offense here is that these men have voted on a foreign postulant system; no intimation, no declaration of fact, that they propose, or even dream, that a system which naturally develops from Russia's material conditions is adaptable to a highly complex industrial system, such as that of the United States."

"In France they elected sixty Deputies to the House. They were Socialists. They made the issue three Bolsheviks. Those men and their party had declared for the right of the Russians to govern themselves in their own way. Arthur McDonald, Snowden and the Labor party in England have done the same."

"The minority Socialists of Germany and the Socialists of Italy and Norway have declared for the same. There they have taken precisely the same position that the Socialist party has taken in the United States."

"Over here it is not regarded as an offense. Here it is not an offense in which a person can be tried and convicted and sentenced to the penitentiary. Here it could not even form the basis for a civil suit."

Mr. Stanchfield here interrupted and said that the motion was precisely the same motion as was passed on yesterday and differed in no substantial manner from the one previously denied.

The chair ruled that there might be

**Some difference, and permitted Mr. Roe to proceed.**

Mr. Roe took issue with the statement made yesterday that the right to expel necessarily included the right to suspend. He held the power to suspend was merely a power to punish for contempt, violation of rules or disorderly conduct in the chamber.

"It has no likeness or similitude at all to the power to expel, which is exercised under different provisions of the Constitution of the United States when the expulsion takes place in that body, and under different provisions of the Constitution and statutes in this state when expulsion takes place here," said Mr. Roe.

He said that this distinction had been answered by all legislative bodies in the United States since the nation's birth until the recent ousting of the men on trial. This he characterized as an unlawful exercise of power.

"Constitutional government cannot survive if this power of suspension is to be exercised as it was in this body on the seventh of this month," continued Mr. Roe.

"How idle to refer to the statutes of this state the provision, with which you are all familiar, that either house may expel its members after a hearing before a committee and upon the report being made by the committee, if without any hearing at all, without any debate, without any opportunity to be heard by any one this house can suspend by a majority vote any or the entire minority of its members. That is the reason, sir, that this power does not exist, has never been exercised and cannot be exercised if representative government is to continue."

**Committee Urged To Admit Mistakes**

Mr. Roe urged the committee to report to the fact that Monday a week ago, when the Assembly met, it made a mistake in suspending the Socialists. It was to urge the Assembly to recognize its mistake that Charles E. Hughes and the other members of the Bar Association's special committee came to Albany.

"These Assemblymen," continued Mr. Roe, "are not here to prove their guilt, but to prove their innocence. We all of us as lawyers are familiar with the fundamental proposition that they are presumed to be innocent until the contrary is shown. They are presumed to be innocent until the contrary is shown. It is not true, sir, that the fundamental constitutional principles of this government can be subverted in that manner by a majority vote of the Assembly here and saying that 'it is for you to prove your innocence.'"

Mr. Stanchfield repeated that Mr. Roe's motion was substantially Mr. Hillquit's last, under varying language, in brief asking dismissal of the proceedings and a rescinding of the five Socialists.

"Now, let us a moment assume that there are no precedents for what this Assembly has done," continued Mr. Stanchfield, "and with that thought in mind I read a sentence from a speech made by Senator Newberry of Massachusetts, and the removal of Senator Snood."

"There is no desire, Mr. President, to make a single remark. It is said that the proposition now before the Senate is without precedent in the occasions to which new duties, new precedents, are to be made when the occasion requires. Never before in the history of our government has a person appeared to take a seat in this body whose previous conduct and declaration, as presented to the attention of the Senate, gave reasonable ground to distrust his loyalty."

"That case, sir, is without a precedent. It devolves, therefore, to the Senate to make a single remark in order to deal with unprecedented cases. The Senate is at this moment engaged in considering the loyalty of certain members of this body, and it seems to me that it would poorly do its duty if it admitted among its members one with regard to whom there was a reasonable suspicion."

"When this investigation is being conducted into the loyalty of the five men involved in this proceeding, and irrespective of whether or not there is in the history of the State of New York a precedent, the occasion demands and requires that the Assembly of this state in defense of its own dignity make a precedent."

"When the chairman read from the Senate's report, however, before the charges against these men were disloyalty, and that they had affiliated themselves with a party whose platform and whose program called for the overthrow of this government by violence, he stated what I say to this committee we will prove beyond all shadow and shade of doubt."

**Socialist Tactics Under Investigation**

"We are not, Mr. Chairman, upon this investigation, engaged in a discussion of the philosophy or economics of socialism. We are engaged in the

**Insurance After Death**

The Mercantile Trust Company of New York challenges the thought of business men, by heading a recent advertisement with this announcement: "I do hereby bequeath to my heirs my business ability."

This enterprising and powerful institution is, in its advertising, "selling an idea."

It might have elected to have followed the majority of banks and remained coldly inarticulate; or it might have "carried a card," announcing a strong vault, a conservative personnel and a restrained desire for additional deposits.

All of which would have been commendable, uninteresting and without constructive force.

The profligacy, carelessness or credulity of heirs can not be curbed by any trust company, unless the idea of appointing such an executor had been previously "sold" to the testator.

In the campaign of education by this bank, a valuable and far reaching service is rendered the individual and to society, with proportionate reward to the server.

Service, like merchandise, may be sold by advertising.

**Butterick—Publisher**

The Delineator  
Everybody's Magazine  
Two dollars the year, each

of economics of Socialism. We are engaged in investigating the tactics and program that call for an overturn of the state and annihilation of the present system of government."

The chair then denied the motion.

Mr. Stedman's address was occupied chiefly with criticizing and questioning the seven paragraphs of the informal indictment brought by the members against the five suspended men.

At one point he assailed a certain provision of the document so bitterly that Mr. Martin protested:

"Mr. Stedman's address was occupied chiefly with criticizing and questioning the seven paragraphs of the informal indictment brought by the members against the five suspended men."

Instantly Mr. Hillquit was on his feet.

"Just a minute," he exclaimed. "Does the chairman desire to have that on record that there is no claim on the part of the accusers that the five men who have been denied their seats in the Assembly are not criminals?"