weigh every word. I mean every word. If you, Mr. Bloch, as a lawyer, mean to say that you can parallel testimony of this kind, and witnesses coming to the stand and swearing he is a policeman and has spoken to one Miller, and then ask the question, 'What did Mr. Miller say?' in a trial in which the loyalty of five members of the Assembly is involved, without even an attempted connection to this man and these five Assemblymen—if you mean to say that you, as a lawyer, would stand for testimony of this kind in a case affecting your client, I should like to hear you say so. I do not know of any such similar precedent."

When he paused Mr. Martin repeated he would overrule the objection.

Socialists Challenge Every Point Raised

"Very well," said Hillquit, angrily, "as far as I'm concerned, and I think I speak for my associates, hereafter when testimony of this kind is called we shall take absolutely no part in it. We will not dignify it by taking part in it. It will be as if we were absent."

"Very well," said Mr. Martin, calmly. "Proceed."

Throughout the day, Mr. Hillquit and the other Socialist attorneys continued unremitting warfare on every point that the prosecution strove to make. Once, during the morning, Hillquit tripped Stanchfield in a way that sent a ripple of laughter through the chamber.

The chief counsel for the Socialists was counseling Louis Berger, executive secretary of the New York County local, as to the practices of Socialist parties in other countries.

"I object to that," said Mr. Stanchfield. "We are not interested in issues of parties outside the United States."

Mr. Hillquit grinned.

"Oh," he cried, "we are perfectly willing to accept Mr. Stanchfield's statement that the committee is not interested in practices of Socialist parties outside the United States. If I am to understand that such matters are not to be brought into these proceedings, I'm quite ready to withdrawn my question."

Mr. Stanchfield reddened at the snicker of the crowd.

"I object," he said, "to the question as you put it on the ground that it is not cross-examination."

Just before an adjournment was taken until next Tuesday Attorney General Newton announced that he had obtained the services of former Attorney General Thomas Carmody to take the place of Martin W. Littleton, who was forced to withdraw because of a previous engagement to appear in the Newberry trial.

Evans Records Dissent to Trial

When the session opened this morning Assemblyman William S. Evans, a Democrat, asked permission to have inserted in the record a statement in which he dissented from a ruling of the chair.

Mr. Evans took exception to Mr. Martin's denial of Mr. Hillquit's motion to the effect that the proceeding should be dismissed because there was neither constitutional nor statutory authority for it.

"I desire to be recorded," his statement read, "as dissenting from that ruling, upon the ground that the Assembly has no constitutional or statutory power to suspend or expel a duly elected member upon any ground other than that specified in the constitution of the state, namely, disqualification on returns, election, citizenship, age, residence, or within 100 days previous to their election to membership in Congress, the civil or military service of the United States, or for being an officer under any city government within that period of 100 days prior to their election.

"I go further than counsel for the Socialists, and I believe no other ground exists in law, not even prior to conviction for crime, if it does not involve loss of citizenship or affliction with loathsome disease, nor insanity, nor other mental, moral or physical conditions.

"We must leave it to the good common sense of the sovereign power of the state, the electorate, to send to the Assembly representatives possessing creditable mental and moral and physical faculties.

Holds Disloyalty Fails to Disqualify

"Disloyalty to the state and nation or advocacy of force to overthrow the government may or may not be amenable to the criminal law. But whether amenable to the criminal law or not, it is not a disqualification, under the state constitution, for membership in the Assembly.

"For such disloyalty and advocacy of force to overthrow the government the duty and power to disqualify from elective office rests with the people, and not with the Assembly. If the people, or a part of them, knowingly choose to elect disloyal, unpatriotic or morally, mentally or physically unfit representatives, we must receive them and keep them so long as they conduct themselves in the best way they know how.

"If those five Socialist Assemblymen are disloyal traitors, spies or enemies, the responsibility for their presence here is the people's, not the Assembly's. The duty and power to disqualify them on those grounds is the people's, and not ours. For the people never delegated such a power to the Assembly."

Julius Gerber, executive secretary of the New York County local of the Socialist party, was called to the witness stand.

Before his examination began, Mr. Hillquit requested permission to read certain admissions into the record, explaining that the Socialists by conceding certain of the charges brought against them, could save time for the committee. Mr. Stanchfield opposed this and the chair sustained his attitude.

Under direct examination by Mr. Stanchfield, Gerber, a sallow little man with a scrubby moustache, produced copies of the national and state constitutions of the Socialist party, as well as the by-laws of the organization.

Identifies Cards Held by Socialists

He also identified the membership cards of Samuel A. Dewitt and Samuel Orr. Mr. Hillquit, after informing the chair that he had been unable to obtain the application cards of the three other suspended men, informed the chair that he and his clients were willing to admit that the three had signed similar cards.

Mr. Stanchfield read several excerpts from the constitutions of the party, dealing chiefly with qualifications for membership and the pledge taken by the members. In cross examination, Mr. Hillquit brought out that these clauses had existed ever since the foundation of the Socialist party.

Concerning the resignation, which the committee has charged is filed by every Socialist candidate for office with his constituency to be used when that constituency sees fit, Mr. Hillquit said:

"I shall ask you now, Mr. Gerber, whether as executive secretary of the Socialist organization in the county of New York, throughout the entire term of your office, which I understand aggregates twelve years, you have ever received from any candidate nominated for office in the Socialist party a resignation in advance."

"Never," Gerber replied.

"Wait a minute," interposed Mr. Stanchfield, "I object to that as not cross-examination, irrelevant and improper."

Hillquit Again Loses a Point

"I respectfully maintain, Mr. Chairman," Hillquit persisted, "that the question I have asked of the witness is not only pertinent, but it is vital and that I have an absolute right to ask it and ask it of this witness on cross-examination. The contention here on the pleadings is that the Socialist party exacts resignations, written resignations, from any of its members that run for public office and that such resignations are to be filed with the executive secretaries of the various local organizations.

"Mr. Stanchfield has read these particular provisions from the by-laws and has offered them in evidence. What I propose to do is to show by this witness, who is the most competent witness on the subject, is that this provision in the state constitution has been a dead letter since its inception and of these five men none ever has filed such resignation."

The chair sustained Mr. Stanchfield's objection.

In his cross-examination, Mr. Hillquit, also brought out that "The New York Call," although an organ of the Socialist party, was not dominated by it.

"The party," he was asked, "has no control of 'The Call'?"

"Not as an organization," was the reply.

"In other words," counsel persisted, "the relation between 'The Call' and the Socialist party is that of a newspaper supporting the policies, the campaigns and the general actions of the Socialist party."

"Yes" was the response.

"About as much as The New York Tribune represents the Republican party—only a little better?"

"That's just what I was going to say," replied Gerber.

Francis M. Hugo, Secretary of State, was the only other witness at the morning session. He was called upon to identify the oaths of office of the five suspended men, filed with him just before they entered the Assembly. He was not cross-examined.

Books and Records Of Socialists Taken

Noon recess then was taken.

When the afternoon session began Arthur E. Sutherland, of counsel for the committee, pointed out that numerous witnesses had been summoned on subœnas duces tecum and moved that they be called upon to produce the documents and books that they had been ordered to bring. These, he further proposed, should be marked as exhibits and left with the committee "to save time." The chair granted this request.

Violent opposition to this developed on the part of Socialist counsel.

"Mr. Chairman," said Sutherland, "it will save a great deal of time of this committee and of the House, and of all parties concerned, if this procedure which has been suggested can be followed. There is certainly no impropriety in it. It is done every day in the year everywhere."

"I most respectfully submit that I do not know of a single precedent where it has been done," Hillquit exclaimed. "You want all the witnsses called, and you want all documents marked for identification, which, I presume, excludes our right to object to them if we consider them immaterial or irrelevant, or improperly authenticated. Then you want to leave them in the custody of the committee in that condition, and without the right on our side to object to them.

"We never will ask," said Hillquit, violently, "to subpœna any number of men and take away from them their documents, their instruments, or their property, without the court passing upon the character of these documents and upon whether or not they are properly taken from them. I think it would be an absolutely unheard-of proceeding."

"The chair will have to hold as stated. Proceed," was the reply.

Mrs. Anna Stern, fair, buxom and soft-voiced, the executive secretary of the Bronx local of the Socialist party, was called.

The Socialist counsel continued to protest against the method of presentation of evidence.

This waxed so violent that members of the committee interposed on several occasions. Hillquit, Stedman and Roe united in denouncing the chair's ruling, and Assemblymen Block and Evans added their voices to the protest.

It was finally decided to mark the exhibits for identification and return them to their owners.

Rochester Policeman Called to Testify

The appearance of Ezra L. Kauffman, a special policeman on the Rochester force, was productive of another long legal squabble, which ended with the admission of his testimony over the violent objections of the Socialist attorneys.

The next witness was Charles M. Robinton, of 30 East 128th Street, New York City, a special agent and translator of Hebrew of the Department of Justice.

"Now, I hand you Exhibit No. 16, and ask you whether you had a pamphlet similar to that?" asked Mr. Stanchfield.

"Yes, I have it," replied the witness.

"I will mark the one you have for identification Exhibit 17," said Mr. Stanchfield.

"Now, did you translate certain portions, paragraphs and sections of Exhibit 17?"

"Yes, sir."

"And have you the translation with you?"

"Yes, sir."

"You did not translate as yet the whole of the volume?"

"No, sir."

"And is the translation of the paragraphs and sections that you hold in your hand a correct translation of the original?"

"Yes, sir."

When Mr. Stanchfield offered the translation in evidence, Mr. Hillquit was on his feet with an objection.

Hillquit's Objection Overruled by Chair

"I object to that," he said. "The original, if I remember, is a document produced by Mr. Miller and described by him as having been circulated by some organization in Rochester. Neither of the five Assemblymen in question is shown to have held membership in that organization; to have been aware of the existence or circulation of this booklet, nor is it shown that the Socialist party, as such, had any complicity or connection with it.

"For all we know, this is a booklet—and I do not know what its contents are—that has been published and circulated by a few persons absolutely unconnected with us, perhaps inimical to us, for whom at any rate we bear no responsibility of any kind; no connection is shown between the author or the publishers or the circulation of this pamphlet and the five Assemblymen or the party they represent."

The objection was overruled.

Mr. Stedman rose in protest when he drew from the witness that the identical pamphlet offered in evidence had not been read by him, but one like it.

"I will allow the witness to proceed," said Chairman Martin; "you can cross examine him later."

"I understood the right to cross examine on translation is before the translation is offered," said Mr. Stedman.

"I will receive it," said the chairman.

"I want to show that is not translation," persisted Mr. Stedman. "They are both the same book."

"Has the chairman read both books? The witness has not."

"You may proceed," said the chairman to the witness, and addressing counsel, he said: "You sit down."

Labor Can't Depend On Peaceful Evolution

"Mr. Chairman, I sat down before you told me to," launched back counsel.

The pamphlet published by the Jewish Socialist Federation of America, New York, 1920, was then partly read by Mr. Stanchfield.

Under the chapter entitled, "The Defenders of the Dictatorship of the Proletariat," Mr. Stanchfield read:

"History teaches us that through evolution, through natural development alone, no ruling class in society has yet ever been deposed from its power. The feudal aristocracy which lost its importance in society in the eighteenth century did not surrender its position good-naturedly.

"It defended its position by force, with lead and iron. Workingmen cannot depend on 'peaceful evolution'; they must prepare for a revolution and class dictatorship.

"Socialism does not believe in the state. It wants to annihilate it entirely.

"The Socialist movement rouses the workingmen to revolution, it preaches to them class struggle, awakens within them class consciousness, makes all necessary preparations for a socialistic order. When society is ready for the overthrow, when the Socialist organization feels that the moment has come it will make the revolution.

"To predict when and how this should be done is impossible. This is a thing which must be determined separately in every country, because the circumstances in every country are different. No sooner than the revolution is made, however, the first aim of the Socialists must be to seize the government, the state, by whatever means they can succeed in doing this with and then their rule must establish the dictatorship of the proletariat.

"This dictatorship will be employed for one thing to eliminate capitalism by force, take away by force the capital from private owners and transfer it to the ownership of the community. After this work is finished there will remain nothing more for the dictatorship for the proletariat state to do.

Soviets to Carry Out Working Order

"The industries will then be managed by the working men, through their soviets. The economic order will be carried out through the soviets. Until now the state had a function, a task, to defend the ruling class against the oppressed classes. But now, when private ownership is entirely eliminated, the oppressed class will be the bourgeoisie, whom the dictatorship of the proletariat will dominate and cause to entirely disappear, then what is the state needed for?

"There will be no more state, no more dictatorship. There will be only a communist order, which will be managed by the workingmen themselves, that is, by all the inhabitants of the country through soviets, or through some other similar system."

Under the chapter headed, "The Dictatorship of the Proletariat in the Russian Revolution" Mr. Stanchfield read:

"It (Bolshevist dictatorship) is the bone of the Socialist revolution, and must be established in every country, under all circumstances, when the Socialist revolution is established there."

Under the heading "The Socialists and the Democratic State," the following was found:

"Socialists seek to enter into the government for two reasons: First, to be nearer to the doors of the chambers, where dictatorship sits, and, second, to hinder the dictatorial work in any way possible. The first reason is the most important. Sitting in Parliament or in Congress, being inside of the government ranks, affords Socialists an opportunity to find out the plans, the strategy of the state. And knowing this, they can carry out their propaganda the better.

"Socialists seek to be elected into the government principally for the sake of propaganda."

"To the Socialists at present, the meaning of class struggle, international and dictatorship of the proletariat, must be clear. He must understand that socialism is not a reform movement. He must know that socialism is a revolutionary world-perspective and the Socialist movement is a revolutionary movement.

Socialists Must Become Fighters

"The Socialist now must grasp accurately what the state is, what a democracy is, and what his attitude as a Socialist must be to the state and to democracy. He must cease to be a moral preacher and become a fighter. He must know that the Socialist movement is a 'Red' movement, a movement with blood in the veins, which knows that nothing in life can be won without a struggle.

"The great task of the Socialist movement is to create an army in the country which should be ready to make the Socialist revolution when the suitable moment arrives. This army must know its aims and the methods of attaining these aims. It must be an intelligent army. Every soldier in it must himself know the way, the plans, the strategy. The Socialist soldiers must not be blind sheep under the command of a general. Such an army is good only in a fight for the darkness of reaction, not in a fight for light and freedom. At present it is not at all difficult to muster and instruct a Socialist army."

Another booklet published in Hebrew by the same house, which has headquarters at 175 East Broadway, New York city, was offered in evidence over like protests as in the previous case by counsel for the accused.

Mr. Hillquit made the additional point that translations should be complete and not partial. The pamphlet, entitled "Bolshevism," by Dr. B. Hoffman, published also by the Jewish Federation of New York, 1919, was finally offered in evidence.

"Is it the intention of the committee to connect this book with the same organization?" asked Mr. Hillquit.

"With the organization to which these gentlemen have pledged their fealty," replied Arthur E. Sutherland, who took up the examination of the witness.

Excerpts Taken From Book on Bolshevism

Some of the excerpts from the book on Bolshevism read:

"Bolshevism is not a new socialist theory, but the practical carrying out in life of the old socialist theory.

"Bolshevism especially is not a theory. Bolshevism is a method of how to establish socialism in life.

"Bolshevism is practical socialism, the socialism of to-day, and not of the remote future day.

"Is Bolshevism democratic? does the Bolshevik revolution and the Bolshevik actions agree with the accepted maxims of democracy? No, they do not. But what revolution does agree with the maxims of democracy?

"A revolution is an act of violence, and is almost always carried out by an organized resolute minority. No revolution is decided by referendum and no revolution is parliamentary or democratically lawful. The Bolsheviki employed acts of violence in their revolution. That surely is not democratic. But how can a revolution be made without acts of violence?

"If it was permissible to overthrow the Czar by violence, then why is it not permissible to overthrow the gentlemen and junkers by violence?

"A new revolution with still more might and power will at once rise and will clean up like a mighty cyclone the bourgeois rule from the whole world, not only from Russia alone."

On cross examination by Mr. Hillquit, the witness said he had received the two pamphlets from an agent of the Lusk committee.

"And were you told to translate the whole thing, or only such passages as to you seemed incriminating?"

"I was not told anything about it."

"Well, what were you told when you got the booklet?"

"Just simply to look it over. I used my own judgment as to translating what was vital."

"As to translating what was vital, for what purpose?"

"For the purpose of submitting it as evidence against socialism."

"Well, you translated certain portions only?"

"I did."

"By what were you guided about the choice of portions that you did translate?"

"I was guided by my own judgment."

"As to what?"

"As to socialism as it preaches violence."

"Then you were looking for such portions as would support the contention that socialism preaches violence. Is that it?"

"Absolutely."

"Now, on the assumption that the Lusk committee wanted that?"

"Exactly."

"Now, I show you again Exhibit 17, and I ask you what does it represent—just a booklet?"

"Exactly."

Booklet Published By Jewish Federation

"Is the name of the author given?"

"It is."

"What is his name?"

"His name is Rogoff."

"Do you know whether this author is an official of the national party—Socialist party?"

"That I do not personally know."

"You do not know him at all?"

"No, sir."

"You do not know even whether he is a member of the Socialist party, do you?"

"No, sir."

"All you know is that he wrote this booklet. Is that correct?"

"Yes."

"And that the booklet was published by the Jewish Socialist Federation?"

"Exactly."

"Do you know whether or not the Jewish Socialist Federation also published books of opposite import to this particular one?"

"No, sir; I don't know it."

"You cannot state whether or not the Jewish Socialist Federation is engaged in the publication of booklets on sociological topics from any and all points of view, can you?

"No, sir."

No Reference Made To Accused Five

"Is there any indication in the book that its views were approved or accepted by the Socialist party of the United States, or of the state of New York, or of the county of New York, or of the county of the Bronx, or of the county of Kings?"

"Not in the book, no."

"Is there any reference in this book to any of the five Assemblymen here under charges?"

"Not that I know of."

"Are their views in any way expressed?"

"I don't know what their views are."

Mr. Hillquit then had the witness read portions of the book which had not been translated, and when this was done he contended the work was an exposition of both sides of the question.

"Now it is a fact that what you have translated to us under the heading, 'the defenders of the dictators of the proletariat'—is that correct?" asked Mr. Hillquit.

"Yes," replied the witness.

"Then all you have given us was from that portion of the book which deals with the views of the defenders of the dictatorship of the proletariat?"

"Yes."

"Then this booklet does summarize the views on both sides, but you have translated only the portion which deals with the support of the dictatorship of the proletariat?"

"Yes."

Rule by Proletariat Opposite of Democracy

At Mr. Hillquit's suggestion the witness read from the book:

"The opponents held that the most sacred thing as obstructing the principles of democracy and dictatorship is the exact opposite of democracy. It is unclean; it is filthy."

"They held that since the dictatorship of the proletariat was the exact opposite of democracy, of sacred democracy, therefore the dictatorship of the proletariat was unclean and filthy. That is about the translation, is it?" persisted Mr. Hillquit.

"Exactly."

"Now this was first marked with blue pencil lines and then the blue pencil lines were crossed out."

"Exactly."

"Why did you cross them out?

"Because I decided not to put that in unless the whole book was translated."

Mr. Hillquit moved to strike out both booklets on the grounds of irrelevancy and immateriality. His motion was denied.

William F. Smart, a stenographer, was next called.

He testified he took down a speech made by Assemblyman Claessens at a Socialist meeting on November 7, 1919, to celebrate the second anniversary of the Russian Soviet Republic.

Stanchfield Reads Speech by Claessens

The meeting was held at the Parkview Palace, 110th Street and Fifth Avenue. After Assemblyman Claessens's speech was identified Mr. Stanchfield read it. It follows, in part:

"Comrades, we are going to have another distinguished Russian visitor, probably more than a visitor, one of the embassy here in New York City, with us in a very few minutes. (Applause.) And you will have to be satisfied with the talk of Comrade Humphries and that of Comrade Nuorteva, who is coming, concerning Russia and its marvelous and wonderful revolution.

"I being a native of Harlem and not a Russian, and I glory at that (laughter), and with that awful combination against me, I know Russia only by that which I read.

"The revolution itself, you know, which so scared the average thick-headed American (laughter) into the idea of bloodshed and violence, a revolution that history tells us is a very harmless sort of thing, is a change in the form of government. 'A change from a kingdom to a so-called republic is accomplished by revolution,' 'revolutions,' says Kirkpatrick, 'are seldom noisy or bloody, unless the ruling class impudently and stupidly stand in the path of progress and cry halt'; just like a locomotive, not dangerous at all, but a very useful thing, except to a jackass that will stand on the tracks (laughter). That is, locomotives were not built to kill. They were built to move forward, to do some good. So with revolutions.

"But revolutions in themselves are not necessarily the aid of Socialists. A revolution is a change in government but what we Socialists want is more than a change in government. We want a social revolution which means a complete change in the economic, social, intellectual, moral as well as physical phases of life."

Recites Alleged Frauds at Polls

The speech then went on to recite alleged frauds the previous day at the polls and of violence offered Socialists by "hired thugs," one of whom was armed with a revolver. Then the report of Claessens's speech continued:

"I know some people said yesterday (Election Day), and I know some of you feel, 'to hell with the whole matter of voting'; 'to hell with the whole form of government.' If the government rests upon thievery and fraud, then you have no government. You might just as well refer to this nation as 'the United States of thieves,' but I am not one of those to become pessimistic.

"We are here to-night celebrating the second anniversary of the Russian revolution. And, comrades, while the Russians have not the privilege of voting—if it may be called the privilege in the days of a Czar—they had not themselves what you would call democracy before the Czar.

"Yet our comrades in Russia also were treated like dogs, were also shot and hung, and sent to Siberia. Every dirty trick they used against us here was used against them, only worse, and did they stop? Did it kill their spirit? Did they say, 'Oh, what's the use? Give it up. You can't accomplish anything. You are up against a mightier power. What is the good?' Our Russian comrades did not say that.

"They were fighters, and when we are celebrating the second anniversary of the Russian Revolution we celebrate the second anniversary of the success of fighting men and women, and if we celebrate that in the highest possible form, not only in our idealism but in our enthusiasm, then we celebrate it also as martyrs and not as cowards.

"No Right to Speak Of American Republic"

"You have absolutely no right to speak of an American Republic; there is no American Republic. It is merely one huge institution based upon fraud. God Almighty! if the men and women cannot cast their ballots, if they cannot get their own ideas counted, what is the sense of this whole thing?

"Now, thank goodness, Socialists are not only working along political lines. If we thought for a minute it was merely a dream on our part, a great political controversy until we have a majority of men elected, and then, by merely that majority, to declare the revolution—if any of you smoke that pipe dream, if that is the quality of opium you are puffing now, give it up. Give it up. Yet I do not want any of you to go to the opposite extreme. The economic movement is also the movement by which Socialists are marching on; but the economic movement also has its shortcomings, and it also meets the Cossacks and the brutal forces of the capitalist power in every way. But there are other things we want.

"We are working not merely upon the industrial, upon the political, not merely on the cooperatives, but along the broad lines of education, and I do not know, and you do not know, and there is nobody in this room that knows, how the social revolutin will be accomplished in this country.

"At least, the luck that the Russians have, I doubt whether we will have it for 10,000,000 men to walk home, leaving their office in the sewers—walk home with guns; that is a picnic; that is easy for any revolution, but that is a condition that you have not got here.

Predicts Coming Of Social Revolt

"If there was not a fact that a change was coming we would say, 'To hell with the whole business!' But we are going to the Assembly, and we will tell it to them. There are five of us. Charlie Salomon is one. There are others, and I will go myself into the bargain, and we will tell them something.

"But we won't waste as much time in the Assembly, comrades, talking to that bunch that sit there with stolen property in their seats, but we will use our position with the Assembly and reach the Henry Dubs and speak to them, and I can assure you, comrades, we won't sleep one night when we are in Albany, but every night we will be speaking in Troy, Schenectady and Amsterdam, everywhere around there, arousing the workers wherever we possibly can.

"So, let us rejoice to-night. What has happened is not so serious. What has happened is good, in so far as it is but another reason and argument that proves the necessity of not merely a political victory, but a social revolution."

William Tallman, chief deputy clerk of the United States District Court in New York City, was the last witness of the day. After he had identified indictments found against Scott Nearing and the American Socialist Society for violations of the espionage act, the session closed.

Air Line Opened in Africa

Cairo and Cape Town Linked by New Service

LONDON, Jan. 14.—Cairo and Cape Town, representing the extremes of the African continent, have at last been linked by an air service. The British Air Ministry has announced that the air route, over which engineers have spent long months of labor amid great difficulties, is finally ready for traffic.

This means that the time heretofore required to traverse the continent—from ten to twelve weeks—has now been cut down to about one week, and that heretofore secluded sections of Africa will be opened up to the world.

Albert and Poincare Confer

PARIS, Jan. 22.—King Albert of the Belgians came to Paris incognito yesterday and conferred for a long time with President Poincaré.

What You Have You May Keep, Court Is Told at "Red" Trial

Two Jurors Obtained When Day's Proceedings End in Gitlow Case; Communist Idea Explained by Lawyer

A colloquy between Justice Bartow S. Weeks and Clarence S. Darrow, counsel for the defense, featured the second day of the trial of Benjamin Gitlow, former Socialist Assemblyman, charged with criminal anarchy, which ended yesterday with two jurors in the jury box.

Mr. Darrow, who defended the McNamara brothers in "The Los Angeles Times" dynamiting case in 1911, was outlining principles of the Communists during the course of his questioning of LeRoy L. Valentine, chosen as the second juror.

The Chicago lawyer explained that in a Communistic state the machinery of production, industry in general, would be owned collectively. Justice Weeks asked from the bench.

"What about money in the bank, gold in the stocking, if there are any who use that old-fashioned method?"

Plan Offered for Ownership

Mr. Darrow explained that the Communists would let a man keep what he had in his possession. He supplemented:

"Under the prohibition law a man has the privilege of consuming liquor he has on hand."

"I wondered whether you would include in the Communist plan the ownership of money in the bank or if that would remain in private possession," Justice Weeks observed.

An objection by Mr. Darrow was sustained when Alexander I. Rorke, the prosecutor, asked Valentine:

"Would the threat of a revolution or a general strike by revolutionary labor affect you in finding a verdict?"

"Would your decision be influenced by the consequences of your verdict?" Justice Weeks asked.

"No," replied the talesman.

"Do you always agree with everything the government does?" Valentine was asked.

"I do not," he responded.

Need of Change Seen

"Do you believe governments are human institutions, and when necessary may be changed?"

"Yes."

Rose Pastor Stokes, who failed to appear day before yesterday, although summoned as a witness in the Gitlow case, was in Justice Weeks's courtroom in the Criminal Courts Building when the session started yesterday.

She explained that she had been out of town, and told the two policemen, who at the court's order had been watching her Grove Street home, that she was sorry to have kept them up all night. She remained in court, following the proceedings during the remainder of the session.

Frank V. Kennedy was chosen foreman of the jury day before yesterday. The selection of men who will sit in judgment on Gitlow, who is charged with being business agent of "The Revolutionary Age," which published the Communist manifesto, will be continued this morning.

Soviet Negotiations in Peril

Litvinoff, Charging Espionage, Asks Parley Be Transferred

LONDON, Jan. 22.—Negotiations between James O'Grady, British delegate, and Maxim Litvinoff, representative of the Russian Soviet government at Copenhagen, looking to an exchange of prisoners, have reached a serious stage because of an alleged system of espionage practiced on the latter, according to the correspondent of "The Herald" at the Danish capital.

Virtually every hotel is said to have refused to accommodate M. Litvinoff, who has appealed both to Mr. O'Grady and M. Tchitcherin, Bolshevik Foreign Minister, asking that the negotiations be transferred to another country. In his telegram to M. Tchitcherin the Bolshevik representative declares, it is said, he is under semi-arrest and is being constantly watched.

Hindenburg and Rupprecht Mentioned for Presidency

BERLIN, Jan. 22.—Several prominent Germans are already being mentioned as possible candidates for the next Presidential term. Among them are Friedrich Ebert, the present chief executive; Field Marshal von Hindenburg, former Crown Prince Rupprecht of Bavaria, Friedrich von Payer, formerly Imperial Vice-Chancellor; Professor Friedrich Foerster, of the University of Munich; Adolf Wermuth, Lord Mayor of Berlin, and Adolf Damaschke, the Hamburg single tax reformer.

France Denies Report of Riots Among Troops at Toulon

PARIS, Jan. 21.—Emphatic denial of reports emanating from Berlin and published in America that "riots and mutinies have broken out among French naval forces and troops at Toulon" is made by the French War Office.

According to the Berlin despatch, the cause of the alleged rioting was an insufficient supply of bread, but the French Ministry declares that there is no foundation whatever for this report.

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Nitti Hints at Renewed Effort to Adjust Fiume

Treaty of London Not To Be Invoked Until All Other Means Fail, He Says

PARIS, Jan. 22.—Italy will demand of France and England the carrying out of the Treaty of London only when all other means of settling the Adriatic question have been tried and found futile, according to a statement made by Premier Nitti to a representative of the "Echo de Paris." The correspondent accompanied the Italian Premier from this city to Nice, and was told by Signor Nitti that his trip to Rome was brought about solely by the railroad strike in Italy.

"The reply of the Jugo-Slav government to the note of the Supreme Council relative to conflicting claims on the eastern shores of the Adriatic does not satisfy us," the Premier is quoted as saying, "but we have gone to the extreme limit in making concessions."

Premier Nitti expects to return to Paris soon to resume his work in the peace conference.

"The date of my return will depend upon internal events in Italy and England," he said. "We will agree upon a time, for Premier Lloyd George and myself are most anxious to settle pending questions. These include those relative to the Adriatic, Asia Minor, Turkey and the future status of Constantinople. There must be as little delay as possible, because delay is enervating. What is needed in Europe, especially in the face of our former enemies, is the spirit of peace."

Speaking of the arrangement by which Allied nations will reopen trade relations with the Russian people, the Italian Premier said:

"I am convinced the arrangement will be good for everybody and cannot fail to diminish the spirit of revolt in Russia. Russia is the storehouse of Europe, and she must share in provisioning the Continent."

Tunnel to Link France and Italy

CHAMONIX, Switzerland, Jan. 22.—French and Italian engineers have arrived here to make studies on the ground for a tunnel under Mont Blanc, directly joining France and Italy. This project, which has been under examination for many years, now appears near attainment, as both governments have voted preliminary credits to begin work. France has appropriated $9,000,000 and Italy $8,000,000.

Chinese to Forgive Brigands If They Release Dr. Shelton

WASHINGTON, Jan. 22.—The governor of the Chinese province of Yunnan has offered complete amnesty to the brigands who captured A. L. Shelton, American missionary, on January 3, if they will release him, a dispatch from Peking to the State Department to-day said. The brigands have not stated the amount of ransom for which they hold Dr. Shelton.

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Lester Lamb, in The Evening Mail

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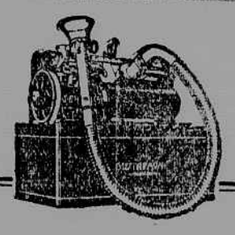

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