

COMMUNIST PARTY VIOLATES U. S. LAW Secretary Wilson Holds Membership Is Cause for Deportation.

HE ENUMERATES TENETS Preis, Austrian, Ordered Deported Because of His Affiliations.

Special Despatch to THE SUN. WASHINGTON, Jan. 24.—Secretary of Labor Wilson in a formal ruling today on deportation of members of the Communist Party in the United States, upheld fully the course of the Department of Justice in arresting and the Commissioner-General of Immigration in ordering the deportation of members of the party.

As a result of the ruling all alien members of the party, who were arrested in wholesale nationwide raids, are to be deported to the countries from whence they came. Further nationwide raids by the Department of Justice will be made.

It was reported in Washington several days ago that the Secretary of Labor had prepared a ruling which would make the release of these aliens necessary. Instead the Secretary issued a showing of facts by the Department of Justice that members of the party were pledged to overthrow the Government of the United States by force and he held this a clear violation of the constitution.

In reviewing the case the Secretary said that teaching or advocating the overthrow of the Government is not alone necessary to bring the organization involved in the scope of the act. There must be, he said, belief in teaching or advocating the overthrow of the Government by force.

The Secretary then placed into the record half a score of more quotations from the platform, or the manifesto and programme, of the Communist party to show that it advocated and taught the overthrow of the United States Government, not through the parliamentary means provided by the Constitution, but through force and violence, and principally by using the strike weapon of labor to bring revolution and cripple the nation.

Admits His Affiliation. The text of the opinion follows: "In re Engelbert Preis, Age 21; native of Austria; entered the United States at Port Huron, Mich., on November 13, 1915, having arrived in Quebec by steamship Scotian, June 14, 1914. This is a case arising under the provisions of the act of October 16, 1918.

"It is alleged that the alien is a member of the Communist party of America, which is affiliated with the Communist International. The alien admits membership in the Communist party of America and that it is affiliated with the Communist International. The sole question therefore to be determined by the Secretary of Labor is: Is the Communist party of America such an organization as is described in the act of October 16, 1918, membership in which makes an alien liable to deportation? The language of the act applicable to this particular case is as follows:

"Section 1. \* \* \* aliens who are members of or affiliated with any organization that entertains a belief in teaching or advocating the overthrow by force or violence of the Government of the United States. \* \* \*

"Section 2. \* \* \* shall, upon the warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in the immigration act of February 5, 1919, section 19, and section 17, of that act.

Advocate of Force. "It will be observed that belief in teaching or advocating the overthrow of the Government of the United States is not alone sufficient to bring any organization within the scope of the act. There must in addition be a belief in teaching or advocacy of force or violence to accomplish the purpose. Bearing that in mind we may proceed to an examination of the facts.

HOPE FOR FAMILIES OF DEPORTEES RISES Miss Helen Todd Gets Promise of Help From Commissioner of Immigration.

ALSO MAKES THREAT Will Make Campaign Issue of Situation if Federal Officials Fail to Aid.

Miss Helen Todd, who has spent much time in Washington trying to arrange for the shipment to Russia of the wives and children of anarchists who were left behind when the Buford sailed, reported yesterday "the first ray of hope."

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Assurance of Help. Miss Emma Wold, executive secretary of the American Women's Emergency Committee, said yesterday that De Witt Poole, who is in charge of affairs relating to Russia for the Department of State in Washington, has told her that when she sets forth the exact facts as to the proposed shipload of supplies, with the name of the port of destination and assurance that the relief distribution will be made without discrimination among Russian sufferers of all political beliefs the Department of State will do its part.

Miss Wold thinks this means that there will be no trouble about getting clearance papers. She said that several thousand dollars had been already subscribed, that the smallest adequate vessel must be of 2,500 tons, and that the total sum needed was about \$1,000,000.

A Revolutionary Party. "From these quotations and other statements in the manifesto, not here quoted, it is apparent that the Communist party of America is not merely a party seeking the control of affairs of State, but a revolutionary party seeking to conquer and destroy the State in open combat. And the only conclusion is that the Communist party of America is an organization that believes in, teaches and advocates the overthrow by force or violence of the Government of the United States.

"It does not devolve upon the Secretary of Labor to determine whether Congress was wise in creating the law or the Communist party wise in creating the facts. It is his duty to apply the law to the facts as he finds them. It is mandatory upon him to take into custody and deport members of the organization and deport them in the manner provided for in the immigration act of February 5, 1919.

Your memorandum of January 17, 1920, recommending that the Department issue its warrant for the deportation of Engelbert Preis, such deportation to be to Austria, at Government expense, is hereby approved.

"W. B. Wilson, Secretary."

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"The Labor Department is honey-combed with radicals and men who are nothing more than criminal anarchists. The Secretary of Labor sympathizes with all the outrageous demands of labor and is a tool of Gompers. I hope that you Republicans give us Democrats a good licking next November if it is necessary to remove the Secretary of Labor."

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DALLINGER FLAYS ASSEMBLY ACTION No Comparison With Berger Exclusion, Says Bay State Representative.

Special Despatch to THE SUN. WASHINGTON, Jan. 24.—Pointing out that there is no similarity between the action of the House in excluding Victor L. Berger, Milwaukee Socialist, from its membership and that of the New York Assembly in refusing to seat five Socialist members will bring the public to a just realization of the dangers ahead if the brakes are not applied, that these five regularly elected Assemblymen should be denied their seats even pending a hearing because of the simple fact that they are Socialists is a most handsomely handled proceeding.

When before in our history has a member-elect been stopped at the door of one of our legislative bodies because of his political faith? When before has such a body had the temerity to ask of a member-elect not 'what have you done,' but 'what do you believe?' A fundamental principle of our law is that a man can be tried and found guilty only for an overt act, but in this period of hysteria five men are stopped and asked 'what do you believe?'

"In my opinion such an exercise of arbitrary power by a legislative body is as unwarranted as it is improper. If it can be shown that these Socialists were guilty of having given aid or comfort to the

enemy, as did their chief, Victor L. Berger, justification would exist for their exclusion from the New York Assembly. "The Constitution of the United States and the Constitution of the various States give to their representative bodies absolute jurisdiction to examine into the elections, returns and qualifications of their members. A member-elect would be legally excluded by a legislative body for having red hair or for stuttering, but fortunately heretofore there has been no abuse of this power.

"I no longer see the Speaker of the New York Assembly is quoted as citing the case of Brigham H. Roberts in Congress as a precedent for the action taken. Let me say that Roberts was excluded from the House of Representatives for the commission of an overt act which by law is a felony, namely, polygamy. It will be remembered that Roberts, as a Mormon, had cohabited with more than one wife. It was not because of his religious or economic beliefs that he was excluded, but because he had violated a Federal law prohibiting polygamous marriages and was therefore considered by the House as unfit for membership in that body."

Mr. Dallinger was chairman of the committee that investigated Berger's fitness and found Berger guilty of giving aid to an enemy alien and thus violating the laws of the United States.

"It is to be hoped that the uncalculated and unjustifiable action recently taken by the New York Assembly in refusing to seat five Socialist members will bring the public to a just realization of the dangers ahead if the brakes are not applied, that these five regularly elected Assemblymen should be denied their seats even pending a hearing because of the simple fact that they are Socialists is a most handsomely handled proceeding.

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