

Mayor Thompson Defends Loyalty; Sues for Libel

Chicago's Executive Issues Statement Declaring Sedi- tious Allegations False

Tells of Dictagraphs

Security League Committee Seeks Federal Action Against Official

CHICAGO, Sept. 6.—Malfeasance in office and the giving of aid and comfort to the enemy are declared to be the charges the Chicago branch of the National Security League is trying to establish against Mayor Thompson. John S. Miller and Frank L. Shepard, attorneys for the sub-committee investigating the acts of the Mayor, reported this afternoon at a session of the sub-committee. Harold L. Ickes, H. H. Merrick and H. M. Byllesby are members of the sub-committee.

Lawyers insist the Mayor's alleged refusal to enforce Governor Lowden's order to prevent the anti-war meeting last Sunday was malfeasance. The aid and comfort charge is based on the attitude of the city executive throughout the war, which, it is said, has consistently been against governmental plans.

Mayor Thompson issued a statement today declaring there is a conspiracy against him. He says the allegations are all falsehoods. He explains his failure to accompany city hall cohorts to Kankakee yesterday for the "coming out party" of his Senatorial candidacy by asserting that he remained home to consult with lawyers over libel suits.

One action against James Keely and the Chicago Herald Company was filed in the Circuit Court for \$250,000 damages. David H. Jackson filed the practice.

Federal Action Desired
The sub-committee of the National Security League wants to get the issue before a Federal grand jury if possible. It is said the lawyers feel there are grounds for Federal action, since the act it is alleged the Mayor failed to perform was one of national import, refusal to obey a war order from the chief executive of the state.

To start action in the Federal Court the Department of Justice at Washington and the District Attorney's office here would have to be in harmony with the National Security League.

Meanwhile, Mayor Thompson's defenders and City Hall forces are boosting him as a candidate for the Republican nomination for United States Senator to oppose James Hamilton Lewis.

The Mayor reached his office this morning and after a short consultation with Corporation Counsel Eitelson gave his signed statement to the newspaper men. He declined to amplify any of the charges or to answer questions, except to say that he had filed one suit against "The Chicago Herald" and that others would be filed from time to time. His statement follows:

"To the people of Chicago: For a long time I have patiently submitted to untruthful newspaper articles, in which I have been grossly libelled. When I was elected your Mayor I was of the opinion that although the newspapers in the past had done much

The Debt of the Foreign Born

I speak from the viewpoint of the foreign born. I, and millions of others like me, came to this country alone, without money and without friends. We sponged on all that America had—her free lands, her free schools, and, above all, her spirit of open-hearted comradeship. She owed us nothing, but she gave us all. We swore allegiance to her flag, her Constitution and her laws. We would be recreants, ingrates, perjurers and curs if, in her hour of need, we counselled with her enemies and were disloyal to her cause.—Chief Justice Bruce, of North Dakota, in a speech at the American Bar Association dinner at Saratoga last night.

through falsehood to misrepresent me and injure my reputation they would to some degree respect the truth in referring to the chief executive of our city. I find, however, that the public official who does not bow to the dictates of some of the editors of our daily papers, to the detriment of the interests of the people, and violate his oath of office at their bidding is marked for persecution.

Charges Are Denied
"Recent events impel me, not only as a matter of self-respect, but out of regard for the position I occupy, to take steps to punish those persons responsible for the falsehoods which I believe are injuring my good name and that of the City of Chicago.

"I have been charged by the daily press of Chicago and by others with refusing to invite to our city the representatives of foreign nations. I have been charged with refusing to permit the sale of Liberty Bonds in the City Hall. Both of these reports are deliberate falsehoods.

"It is my opinion that because I did not bring libel suits against newspapers and their editors at the time these and other misstatements were made they have become bolder and more numerous until they have reached a point where they are accusing me of being a traitor to our country.

"Some of our papers of yesterday convey the impression that I was jeered and insulted in an automobile trip from Chicago to Kankakee, Ill., when in truth I remained in the city to confer with attorneys for the purpose of instituting suits for libel to bring my false accusers to justice.

"In furtherance of the conspiracy against me, my enemies have resorted to the use of dictagraphs, telephone wires, stationery operators in adjoining rooms and employed spies to bound me.

"I do welcome the truthful publication of everything that I have ever said or done, yet I recognize the fact that the persons that are so contemptible as to resort to these spying and dictagraph methods do not hesitate to use these instruments and their operators as a means to manufacture false testimony and build up perjury."

Police Heads Testify In "Soapbox" Inquiry

Deputy Police Commissioner Godley and Inspector Bolan were witnesses yesterday before the grand jury investigating the utterances of "soapbox" orators charged with inciting sedition. Assistant District Attorney Minton examined the police heads.

John D. Moore, national secretary of the Friends of Irish Freedom, who says he expects to become a defendant as a result of the investigation, wrote a letter yesterday to Foreman Alexander Konta, in which he offered to waive immunity and go before the grand jury with all the facts connected with the street meetings at Broadway and West Thirty-seventh Street.

Enemies Within

Three Legal Decisions Now Give Government Strong Foundation for Move to Suppress Publications Preaching Sedition— Judge Speer's Ruling Provides Valuable Weapon

THE decision of Judge Speer, of the United States Court for the Southern District of Georgia, sustaining the right of the Postmaster General to withdraw second class mail privileges from Tom Watson's paper, "The Jeffersonian," constitutes a sweeping victory for the government in its efforts to control seditious publications through the espionage law. The government, through the agency of the Postoffice Department, is now enabled under this decision practically to effect the suspension of publications guilty of seditious or treasonable utterances against the United States or attempts to hamper the government in the prosecution of the war.

Judge Speer's decision is of special importance in view of the fact that in the case of "The Jeffersonian" the Postoffice Department, after withdrawing second class mail privileges from the paper, followed by debarment it entirely from the use of the mails when the publication of seditious matter continued and Watson sought to slide by the order of the department by sending his paper at third class rates.

Withdrawing the second class mail privileges is in itself enough to put out of business practically any publication that is at all dependent on its subscription list for its livelihood. When in addition to the high cost of print and paper and other overhead expenses third class mail rates are added to the total of publication costs, any paper not conducted as pure propaganda on an ecclesiastical basis, any paper that pretends to be self-supporting, had better close up the shop.

Speer Decision Gives U. S. Strong Weapon

But Judge Speer's decision gives the government the opportunity to reach not only those publications that by reason of their support can pay third class rates, but also, the host of pamphlets and leaflets appearing sporadically that must necessarily pay third or even first class rates.

It can now be confidently expected that the government will immediately start an active and vigorous campaign against seditious, anti-American and pro-German papers and publications of various kinds. How that campaign will be organized and carried on is up to the officials of the Postoffice Department.

Before the passage of the espionage law the government had been keeping a close watch on the seditious activities that were appearing all over the country. As soon as the law was passed action began with the withdrawal of second class mail privileges from several publications. It was necessary, however, to get a case into court and get a decision on how far the law would go.

The first case to come into court was brought before Judge Rose in the United States Court for the District of Maryland. It dealt with two boys who were arrested for distributing circulars of a seditious character.

In his decision Judge Rose made a point that was exactly what the government was most anxious to bring out. He said:

**May Not Procure
Law Violation**
"Every man has a perfect right to any opinion he may see fit to form about any proposed law or about any law that is on the statute books. Any man can do anything, in itself legal, to secure the repeal of any law in force. But there is one limit: As long as the law is the law, it is the duty of every man to obey it, and he may not, under color or pretense of arguing against the wisdom of the law, or of advocating its repeal, do anything with intent to procure its violation. The one sole question in this case is whether these men, in anything they did, intended to per-

suade men not to register under the draft, or, after they were registered, to persuade them not to obey the order to come to the colors. That is the one question. So the real inquiry here is—Can the government show always beyond a reasonable doubt, that these men were trying to persuade people to disobey the law?"

Judge Rose thus brought out clearly and distinctly that the intent was as important, even more important, in determining the question of guilt or innocence than the specific act charged. This was the point the government wanted emphasized—the importance of the question of intent.

The case before Judge Rose was not sufficient for the government, however. It related to the distribution of circulars, while the government was particularly anxious to get a decision bearing on publications. The next case came before Judge Hand, of the United States Court for the Southern District of New York, when the Postoffice Department barred the August issue of "The Masses" from second class mail privileges. The publishers of "The Masses" applied to Judge Hand for an injunction restraining Postmaster Patten of New York from carrying out the orders of the department in Washington. Judge Hand granted the injunction in a decision which said:

**Judge Hand Thinks
Act Is Needed**
"If one stops short of urging upon others that it is their duty or their interest to resist the law, it seems to me that one should not be held to have attempted to cause its violation."

Judge Hand left the intent out of the question and required a specific act. The government appealed from Judge Hand's decision and went to Judge Hough, of the Circuit Court of Appeals, for an order to stay the injunction, pending a decision on the appeal. Judge Hough granted the stay, saying:

"It is at least arguable whether there can be any more direct incitement to action than to hold up to admiration those who do act. Oratio obliqua has always been preferred by rhetoricians to oratio recta. The Beatitudes have for some centuries been considered highly hortatory, though they do not contain the injunction, 'Go thou and do likewise.'"

The intent was thus taken into consideration by Judge Hough, but he gave only a temporary stay of an injunction. What the government needed was a court decision practically upholding its position. The application of Watson for an injunction restraining the postmaster at Thomson, Ga., from obeying the order withdrawing second class mail privileges from "The Jeffersonian" gave the opportunity for another attempt to get such a decision.

The case came before Judge Speer, who upheld the contention of the government in a decision, which said:

"Had the Postmaster General long permitted the use of the great postal system which he controls for the dissemination of such poison, it would have been to forego the opportunity to serve his country afforded by his statutory station."

Basins Decision on Nation's Welfare

"There is, moreover, an additional consideration of the weightiest character, which obliges the denial of such an injunction as is here sought. An appeal is made to an American Court of Equity to oblige the postal authorities of our country to contribute its mailing facilities for the furtherance and success of a propaganda against the nation as distinct as it is truculent and dangerous. Under the familiar rule in equity cases an appeal is addressed largely to the discretion of the court. It is to be determined by the Chancellor and always with proper regard to the public welfare. This imports the country's welfare. The preliminary injunction is denied."

Judge Speer upheld the government's contention that the intent was of the greatest importance in determining the offense, and the government thus has three decisions in its favor to one against it. With this preponderance of legal opinion for its views the government will now proceed actively on its campaign against seditious publications.

York, New England, Eastern Pennsylvania, New Jersey and Delaware—Fair and cooler today; fair tomorrow.

Utah and Western Pennsylvania—Fair in northern portion and showers in southern portion today; showers tomorrow.

Western New York—Generally fair today and showers tomorrow.

Local Official Records. The following official record from the Weather Bureau shows temperatures during the last twenty-four hours, in comparison with the corresponding date of last year.

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