

ISSA Proceedings 2006 - Arguing Against The Capitalist State: The Rhetorical And Ideological Struggles Of Eugene Victor Debs



“No man in America has been more hated, and few have been so much loved as Eugene V. Debs.” (Max Ehrmann)

Eugene V. Debs As An Orator

Just over 100 years ago, in 1904, the Democratic Socialist Party tapped Indiana native Eugene Victor Debs[i] to serve as their candidate for the upcoming Presidential election. While an outspoken critic of capitalist economics and the U.S. government, and a strong supporter of workers' rights, Debs was reluctant to accept this invitation. Eventually, he relented and ran a vigorous and, by some measures, highly successful campaign. This was his first of five Presidential campaigns. Perhaps the most significant event of his campaigns was a speech that Debs delivered in Canton, Ohio, in 1918. Because of this speech, Debs was arrested and charged with treason under the Espionage Act of 1917 for voicing his opposition to U.S. involvement in World War I. He continued his fifth run for the Presidency from prison, the first and last time any person had ever done so. Remarkably, for that election, he received nearly one million votes, tripling the previous total of the Democratic Socialists from the election of 1900.

In more than just a metaphorical way, Debs was the voice of the working class. His entire life was devoted to advancing the cause of the working class against the excesses of the capitalist state. He first advanced this cause through the politics, but when it was obvious that the ideological structures of the political system resisted and then rejected his anti-capitalist argumentation, he had no choice but to turn to the legal system for recourse.

At his trial for treason, Debs chose to represent himself, and presented one of the most highly regarded speeches in the history of American Public Address. Indeed,

Americanrhetoric.com ranks his “speech” to the jury as the 34th most influential and memorable speeches of all time. In this essay, I will carefully examine the three speeches that cluster around this rhetorical situation: the Canton speech, the speech to the jury, and the speech to the judge. While the speech in the courtroom failed at the legal level given the complicity of law and politics in reinforcing the power of the state, it succeeded in its broader rhetorical appeal. Importantly, Debs constructed tropes of working class rhetoric that resonated with a wider audience. This teaches us something about the law and legal argumentation, namely, that even “losing” arguments, or minority opinions, serve a significant role in legal and political culture. And this also teaches us something about justice, a concept that is perhaps best understood rhetorically, not something that is a natural function or part of the legal system. Indeed, Debs never doubted that justice was on his side, despite the contrary conclusions of a closed political and legal system. Writing on the life of Eugene Victor Debs, Bernard Brommel (1978) observed:

He used his voice and pen to aid workers in important strikes, union organizational battles, five Socialist presidential campaigns, cases defending imprisoned workers, free speech contests, and in other controversial issues ranging from women’s rights, birth control, child labor, to the threat of automation. Throughout these fifty-two years of agitating, Debs kept his enthusiasm for the causes that he thought just. (p. 200)[ii]

1. *From Canton To The Courtroom: Law, Politics, and War*

Debs was scheduled to give the keynote speech at the Ohio state convention for the socialist party on June 16, 1918. The rhetorical situation was politically charged. As Brommel (1978) recounts, “While a crowd of 1,200 waited in the hot afternoon sun, federal agents circulated through the audience asking to see draft cards” (footnote omitted) (p. 151).

Almost as if he sensed what was to come, Debs began his speech with an eerie sense of foreshadowing. Pointing to a jail, Debs mused, “They have come to realize, as many of us have, that it is extremely dangerous to exercise the constitutional right of free speech in a country fighting to make Democracy safe for the world” (Brommel, 1978, p. 151)[iii]. Indeed, Allen (1989) notes, “He was testing, daring the federal government to arrest him under what he perceived to be the immoral, unjust, and ill-conceived Espionage Act of 1917” (p. 88).

In the speech, Debs highlighted inconsistencies between “official Washington

attitude” toward Germany and the war. He noted that the American government had supported the Kaiser in the years before World War I. This was one of the main themes of his speech. In all, Debs made six references to war:

1. The master class has always declared war; the subject class had always fought the battles.
2. The working class furnishes the corpses but never has a voice in declaring war or in making peace.
3. If the war would end, Rose Pastor Stokes would be released.
4. Workers should know that they exist for something better than slavery and “canon fodder.’
5. The government maintains that workers should grow war gardens as a patriotic duty while an official report shows that fifty-two percent of the tillable soil is held out of use by war “profiteers.”
6. When the “war press says war,” every pulpit in the land “will say war.” (Brommel, 1978, p. 152)

These six statements, attributed to Debs by government agents, were the basis of the ten charges filed against Debs under the Espionage Act of 1917, as amended in 1918.**[iv]**

Clyde Miller, a news reporter for the *Cleveland Plain Dealer*, claimed that Debs gave a speech that had “shocked the nation.” He also persuaded his friend, District Attorney Edward Wertz, to file charges against Debs under the Espionage Act. The indictment charged Debs with “attempting to cause insubordination, mutiny, disloyalty, and refusal of duty within the military forces of the United States, and the utterance of words intended to procure and incite resistance to the United States, and to promote the cause of the Imperial German Government” (Quoted in Socialist, 1935, p. 12).

Significantly, Wertz sent a copy of the speech to the Justice Department. After studying the speech, the Department concluded: “Parts of the speech, taken in connection with the context, bring the speech close to, if not over, the line, though the case is by no means a clear one. All in all the Department does not feel strongly convinced that a prosecution is advisable” (Salvatore, 1984, p. 294). This was obviously advice that Wertz chose to ignore.

Although he was arrested, his supporters posted bail, and this allowed Debs to continue his speechmaking.**[v]** The government monitored these speeches closely, watching for any “disloyal statements” (Cantrell, 1918, p. 4). Debs appeared in Federal Court in response to his indictment on September 8, 1918. On the first day of trial, Judge D. C. Westenhaver set the tone for the proceedings by citing

several Debs' supporters for contempt of court.

At the conclusion of the government case, Debs shocked the court by taking the stand. No other witnesses appeared on his behalf. While some accounts say that Debs' speech lacked the emotion and fire of his campaign speeches, he still presented a solid, historically grounded argument. After his speech, friends of Debs applauded and, subsequently, six prominent members of the Socialist Party were arrested.

Despite his patriotic pleas, the jury deliberated six hours before finding Debs guilty. The judge denied his motion for a retrial, but asked Debs if he had any final comments before sentencing. In that statement, Debs recounted much of his personal and professional history, and repeated some of his more memorable lines, for example, "While there is a lower class, I am in it, while there is criminal element I am in it, and while there is a soul in prison, I am not free." (Ginger, 1949, p. 374). Toward the end of his speech to the judge, he invoked religious allusions: "Let the people everywhere take heart and hope, for the cross is bending, the midnight is passing, and joy cometh in the morning" (Ginger, 1949, p. 439). And, as he did when he was last arrested 23 years earlier, Debs concluded his speech by citing the poet Lowell:

He's true to God who's true to man;
Whenever wrong is done.
To the humblest and the weakest,
'neath the all-beholding sun.
That wrong is also done to us,
And they are slaves most base,
Whose love of right is for themselves
and not for all the race. (Karsner, 1919, p. 54)

Judge Westenhaver offered a reply of his own. Speaking to Debs, he noted, "I appreciate the defendant's sincerity; I may admire his courage but I cannot help wishing he might take better note of facts as they are in the world of present time" ("Debs," 1918, p. 1). In other words, according to the judge, the type of argumentation that Debs used, especially his use of historically and politically grounded arguments, was considered out of place, both in the law generally and in this particular case. Debs appealed the case to the Supreme Court, and this allowed him to remain out of prison until that case was heard.

In the meantime, Judge Westenhaver warned Debs to avoid giving anti-war

speeches, and restricted his legitimate territorial and, subsequently, rhetorical boundaries. Debs was only allowed to give speeches in the northern district of Ohio and in cities close to his home in Terre Haute, Indiana. Debs defied both admonitions on the grounds of free speech, something that did not help his case on appeal.**[vi]** On March 10, 1919, the Supreme Court denied Debs' appeal and ordered him to prison on April 13, 1919, seven months after the formal conclusion of World War I.**[vii]** He was sentenced to 10 years in prison for "using profane, scandalous, and abusive language" (Fried, 1970, p. 509).

The fact that Debs was willing to go to prison for a humanistic principle enlivened the spirit of American Socialists and the working class. The fact that Debs was ordered to prison after World War I was over, a time when the Espionage Act no longer seemed relevant, caught the attention of several noted groups and individuals.**[viii]** "Amnesty Groups, lead by Upton Sinclair, Clarence Darrow, Geroge Herron, Frank Harris, and others, besieged President Wilson with requests for Debs' release" (Brommel, 1978, p. 157). President Wilson, emboldened by his Attorney General, never relented. It was not until December 23, 1921 that a new President, Warren Harding, announced that Debs and 23 other "political prisoners" would have their sentences commuted to time served on Christmas Day.

2. Voice of the Prisoner: Word Economy and the Scales of Justice

On May 13, 1920, while Debs was still in prison, the Socialist Party nominated, for a fifth time, Eugene V. Debs, Convict 9563, for President. Debs gave a brief acceptance speech in the prison warden's office before party leaders and press representatives.

During the campaign, the Attorney General allowed Debs to make only one weekly press release. Further, the press release was limited to 500 words. Significantly, "[t]he word limitation in the press releases forced Debs to be more precise, inventive, and discriminating in word choice than he had been in his speeches in four earlier campaigns" (Brommel, 1978, p. 157).

It seems, then, that while his arguments were resisted and rejected at the political and legal level, when the system was forced to tolerate his arguments, it did so only grudgingly by placing significant constraints on his discourse. Throughout the process, Debs found his discourse limited. In the Canton speech, his resistance to war was deemed traitorous, and in his speeches to the jury and judge, the judge admonished Debs for his use of historical and political arguments. While awaiting his appeal to the Supreme Court, the trial judge

limited Debs' territorial and topical range. And, in prison, while running a national presidential campaign, he was only allowed to give one speech a week, and even that speech was limited to 500 words. While representatives of the state paid homage to the principles of free speech, liberty, and equality, their practice belied a deeper structural resistance to discourse that challenged their mechanisms of control.

In the election, 919,302 people, or 3.5 percent of the total, voted for Debs. Significantly, his share of the previous election was 6.0 percent, but more voted for him in the latter election. The reason for this, of course, is because this was the first election where women were allowed to vote.

Ironically, many socialist leaders felt a sense of victory in the 1920 election for at least repudiating President Wilson and contributing to the Republican election landslide. The years of Harding, Coolidge, and Hoover, however, were no friend to the socialist agenda. Indeed, many blame their pro-business, pro-upper class policies for inflating the bubble leading up to the stock market collapse in 1929, and the subsequent Great Depression.

3. Exploring Debs' Argumentation and Rhetorical Strategies

Eugene Victor Debs was not only a person of principle, he was quite a powerful orator, as well. Asked about his earliest ambition, Debs replied, "I wanted to be an orator. In my boyish estimate, the power of the speaker was infinitely greater than that of the writer" (Fawcett, 1896, p. 38). By the end of his career, Debs delivered an estimated 6,000 speeches.

Debs usually wrote his speeches en route to his next engagement. He read widely, from both history and current events. His personal library was extensive. He had several first edition books from popular writers that were signed by the authors.

One interesting aspect of this case from a rhetorical perspective is the fact that there was no authentic "written text" of the Canton speech. Indeed, there are several versions, but Debs concurred, more or less, with the authenticity of the government version in his trial. The best that the government could offer were the notes taken from their agent, who was in the audience, and the recollections of the aforementioned reporter who initiated the charges. Importantly, the government agent, Virgil Steiner, who was a stenographic clerk hired by federal officers, admitted that he could not keep up, even in shorthand, because Debs spoke so quickly. The gaps will filled in by Agent Sawken of the War Department who spent the afternoon interviewing pedestrians who had attended the speech,

remembered its contents, and were willing to testify (Sawken, 1918b, p. 1). Additionally, agents were authorized to obtain a search warrant for the home of Hortense Wagenknecht; there, agents seized notebooks, memoranda, and other papers related to Debs' speeches (Sawken, 1918a, p. 1).

Three techniques were prevalent in Debs' discourse: his use of analogical arguments, his use of emotional arguments, and his use of ideographs. Debs was particularly fond of using analogical arguments, comparing one set of circumstances to another. And he was especially adept at drawing from the well of history in finding appropriate examples. This technique complemented his tendency to recount stories, or extended narratives. As Brommel (1978) noted: "Rather than rely on documents and figures, Debs based the strength of his arguments upon the experiences that he had had and the accounts others related to him" (p. 203).

Debs also had a penchant for emotional argument. He found this technique a way to excite the passions and encourage action from his audience. He often used emotional appeals in conjunction with other rhetorical techniques. "When Debs used [] emotional appeals, he effectively employed a number of persuasive devices" (Brommel, 1978, p. 205). When taken together, Debs concocted a powerful rhetoric, one that always seemed to link with audiences on a very personal level.

Finally, Debs used political tropes, or ideographs throughout his speeches. For example, he made references to "fair play, happiness, security, honesty, freedom, pride, honor, loyalty and other basic human needs" (Brommel, 1978, p. 205). Also, he made constant appeals to enduring human values. In his courtroom speech, Debs consistently integrated the tropes of American liberty with his working definition of American Socialism. Debs invoked the revolutionary spirit of Washington, Paine, and Adams, as well as abolitionists like Elijah Lovejoy, Wendell Phillips, William Lloyd Garrison, Gerrit Smith, and Thaddeus Stevens. For Debs, true patriotism was something that was more universal, and it was this spirit of patriotism that would challenge and eventually reject "the capitalist-competitive system in which we live" (Salvatore, 1984, p. 295).

Overall, Debs arguments resonated with audiences around the globe. Indeed, Lenin (1918) recognized Debs as "one of the best loved leaders of the American proletariat" (p. 9). Salvatore (1984) concluded: "The Canton speech and Debs' addresses to the jury and the judge electrified Socialists throughout America. Widely reprinted and even more widely quoted, Debs' words gave a demoralized

movement a new focus and rallying point” (p. 296).**[ix]** Moreover, Debs solidified his place in the history of public discourse. In a resounding endorsement of his oratorical prowess, Ehrmann (1908) reflected:

Whatever may be said of his philosophy, one thing is certain, that he has won a place in American history as one of its greatest orators; and in my opinion there is not a man on the American platform today who is his equal. His is a new and different kind of oratory. He resorts to no tricks of rhetoric, no claptrap and stage effects, no empty pretense of deep emotion; but he stands frankly before his audiences and opens the doorways of his mind and heart that seem ever to be overflowing with terrible invective or the sweet waters of human kindness. (pp. 499-500)

In 1925, Debs wrote a letter to the local paper in Terre Haute. He was motivated to write upon finding the old mansion of Chauncey Rose, arguably Terre Haute’s most famous entrepreneur, in disrepair.**[x]** He wrote:

This is predominantly a business age, a commercial age, a material and in a large sense sordid age, but the moral and spiritual values of life are not ignored by the people. Sentiment, without which men are lower than savages, is still rooted in and flowers in the human soul and makes possible the hope that some day we shall seek and find and enjoy the real riches of the race. (Debs, 1925, p. 9)

While the socialist movement might be described by some as a failed movement given its lack of overwhelming success in the years before, during, and after World War I, the legacy of Debs should not be measured in these terms. Significantly, Debs laid the tropological and rhetorical groundwork for continued resistance to capitalist excesses. The history of political and legal argumentation in particular illustrates the rhetorical power of both active and dormant tropes in mobilizing social movements. Indeed, the history of the Abolition Movement, the Women’s Suffrage Movement, and the Civil Rights Movement, all borrow from the rich classical liberal tropes embedded in rhetorical history.

As such, Debs creates commonplaces that may be reborn at any time like fiery phoenixes ready to challenge the assumptions and consequences of capitalism and imperialism. Importantly, Nick Salvatore (1984) reached the same conclusion: “Rather than ashes, the life of Eugene Victor Debs may instead be represented by the phoenix, the symbol of regeneration and rebirth even in the midst of tragedy - a constant reminder of the profound potential that yet lives in our society and in ourselves” (p. 345).

NOTES

- i.** I would like to acknowledge the kind assistance of the special collections staff at the Cunningham Library at Indiana State University, and the curator of the Debs Home in Terre Haute, a space that also houses material for the Debs Foundation as well as other interesting letters, books, and artifacts. The library archives house the most significant repository of Debs material in the world with nearly 6,000 documents, and related personal items.
- ii.** One of the more compelling personal accounts of Debs' life was written by his brother, Theodore, and published by Theodore's granddaughter, Marguerite Debs Cooper (1973).
- iii.** All excerpts, including introductory remarks, are taken from the first carbon MS. of this speech as recorded by a government agent June 16, 1918, in Nimisilla Park.
- iv.** The ten charges were eventually reduced to two.
- v.** The same day that he was arrested, Debs was nominated for Congress by his home district.
- vi.** Historian Charles A. Beard (1927) described Attorney General Palmer's "[h]ot war on the Reds" during this time (p. 670). Significantly, DePauw alum Charles Beard and Eugene Debs, who were both Socialists, parted ways on the issue of World War I. Beard left the party because of his support for the war effort.
- vii.** Speaking for the Court, Justice Oliver Wendell Holmes denied Debs' argument that his arrest violated his right to free speech.
- viii.** The continued use of the Espionage Act was not unique to Debs' case. "The war ended in November 1918, but the repression of radicals and labor agitators continued, as both government agents and organizations of businessmen-patriots continued their guardianship of American communities" (Salvatore, 1984, p. 297).
- ix.** In 1918 alone, for example, one finds letters from Upton Sinclair, Margaret Sanger, Clarence Darrow, and others in the Indiana State archives and the Debs' home in Terre Haute. Other writers in subsequent years include Helen Keller, Sinclair Lewis, Carl Sandburg, Bartolomeo Vanzetti, and Emma Goldman. A useful collection of selected letters is reprinted in Constantine (1994).
- x.** Chauncey Rose, of course, is one of two names associated with Rose-Hulman University. The other, Herman Hulman, was a former employer of Debs. Despite the fact that Rose was a successful capitalist, Debs admired the fact that he turned the fruits of his personal successes back to the people of Terre Haute, unlike greedier capitalists of his time.

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