

Practice Questions—Passage-based Reading

The passages below are followed by questions based on their content; questions following a pair of related passages may also be based on the relationship between the paired passages. Answer the questions on the basis of what is stated or implied in the passages and in any introductory material that may be provided.

Questions 1-11 are based on the following passage.

Fear of communism swept through the United States in the years following the Russian Revolution of 1917. Several states passed espionage acts that restricted political discussion, and radicals of all descriptions were rounded up in so-called Red Raids conducted by the attorney general's office. Some were convicted and imprisoned; others were deported. This was the background of a trial in Chicago involving twenty men charged under Illinois's espionage statute with advocating the violent overthrow of the government. The charge rested on the fact that all the defendants were members of the newly formed Communist Labor party. The accused in the case were represented by Clarence Darrow, one of the foremost defense attorneys in the country. Throughout his career, Darrow had defended the poor and the despised against exploitation and prejudice. He defended the rights of labor unions, for example, at a time when many sought to outlaw the strike, and he was resolute in defending constitutional freedoms. The following are excerpts from Darrow's summation to the jury.

Members of the Jury. . . If you want to convict these twenty men, then do it. I ask no consideration on behalf of any one of them. They are no better than any other twenty men or women; they are no better than the millions down through the ages who have been prosecuted and convicted in cases like this. And if it is necessary for my clients to show that America is like all the rest, if it is necessary that my clients shall go to prison to show it, then let them go. They can afford it if you members of the jury can; make no mistake about that. . .

The State says my clients "dare to criticize the Constitution." Yet this police officer (who the State says is a fine, right-living person) twice violated the federal Constitution while a prosecuting attorney was standing by. They entered Mr. Owen's home without a search warrant. They overhauled his papers. They found a flag, a red one, which he had the same right to have in his house that you have to keep a green one, or a yellow one, or any other color, and the officer impudently rolled it up and put another flag on the wall, nailed it there. By what right was that done? What about this kind of patriotism that

violates the Constitution? Has it come to pass in this country that officers of the law can trample on constitutional rights and then excuse it in a court of justice? . . .

Most of what has been presented to this jury to stir up feeling in your souls has not the slightest bearing on proving conspiracy in this case. Take Mr. Lloyd's speech in Milwaukee. It had nothing to do with conspiracy. Whether the speech was a joke or was serious, I will not attempt to discuss. But I will say that if it was serious it was as mild as a summer's shower compared with many of the statements of those who are responsible for working conditions in this country. We have heard from people in high places that those individuals who express sympathy with labor should be stood up against a wall and shot. We have heard people of position declare that individuals who criticize the actions of those who are getting rich should be put in a cement ship with leaden sails and sent out to sea. Every violent appeal that could be conceived by the brain has been used by the powerful and the strong. I repeat, Mr. Lloyd's speech was gentle in comparison. . .

My clients are condemned because they say in their platform that, while they vote, they believe the ballot is secondary to education and organization. Counsel suggests that those who get something they did not vote for are sinners, but I suspect you the jury know full well that my clients are right. Most of you have an eight-hour day. Did you get it by any vote you ever cast? No. It came about because workers laid down their tools and said we will no longer work until we get an eight-hour day. That is how they got the twelve-hour day, the ten-hour day, and the eight-hour day—not by voting but by laying down their tools. Then when it was over and the victory won . . . then the politicians, in order to get the labor vote, passed legislation creating an eight-hour day. That is how things changed; victory preceded law. . .

You have been told that if you acquit these defendants you will be despised because you will endorse everything they believe. But I am not here to defend my clients' opinions. I am here to defend their right to express their opinions. I ask you, then, to decide this case upon the facts as you have heard them, in light of the law as you understand it, in light of the history of our country, whose institutions you and I are bound to protect.

sp - false emotional appeal to manipulate jury

MP - defendants were mild to compare to others

EX - violent statements by leaders

MP - laws force class to vote for things they don't want

sp - right to express opinions
MP - moral duty to defend to court

similar

long - sarcastic

MP - all American are equal and all countries persecute citizens

sp - some sacrifice

MP - state abuses const. they claim to uphold

EX - police violation of Constitution