

**THORGUES SIE, SR., WLEH NIMLEY, BLAMAH DUKULY, PHILIP
DOE SHERMAN, ROBERT SLEWION KARPEH, KOFFA DARGBE,
JOHN J. JERREH, GLEH KOON, EMANUEL K. WEEKS, DOE PANTI,
BLAMU SAYMU, GBIDI KUMME, KANTA TEAH, JLATEH MUNAH,
NIMLEY PANTI, BORKAI KONEE, WION KANTIE, TI BOBOR and J. W.
TIEPO, Appellants, v. REPUBLIC OF LIBERIA, Appellee.**

APPEAL FROM THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT,
MONTSERRADO COUNTY.

Argued May 4, 5, 6, 10, 11, 1954. Decided May 28, 1954.

1. Where absence of a material witness is put forward as a ground for continuance, and the sheriff cannot locate the witness, but the moving party knows where the witness is located, the moving party should apply to the court for compulsory process to compel the witness's attendance. If the moving party has failed to do so, the Judge commits no error by proceeding with the case.

2. One who sends to a foreign government information tending to invoke foreign intervention in the domestic affairs of this country, or who makes inflammatory statements to incite insurrection or rebellion, is guilty of sedition.

On appeal to this court from conviction for sedition, *judgment affirmed as to all appellants except Nimley Panti and Emanuel K. Weeks who were acquitted.*

P. D. Sherman, appellant, pro se. William A. Johns for other appellants. The Solicitor General for appellee.

MR. JUSTICE DAVIS delivered the opinion of the Court.

According to the records certified to us, a grand jury of Montserrado County, in the exercise of its inquisitorial powers conferred upon it by the laws of this country, charged appellants with the crime of sedition in the following indictment :

"The grand jurors for the County of Montserrado, Republic of Liberia, upon their oath do present : That on the first day of April, 1951, and on divers other days thereafter up to and including the thirtieth day of April, 1951, in the Commonwealth District of Monrovia, Bushrod Island, County and Republic aforesaid, Didho Twe, Thorgues Sie, Sr., Wleh Nimley, Blamah Dukuly, Philip Doe Sherman, Robert

Slewion Karpeh, Koffa Dargbe, John J. Jerreh, Gleh Koon, Emanuel K. Weeks, Doe Panti, Blamu Saymu, Gbidi Kumme, Kanta Teah, Jlateh Munah, Nimley Panti, Borkai Konee, Wion Kantie, Ti Bobor and J. W. Tiepo, defendants, and sundry other persons whose identities are at present unknown to the grand jurors aforesaid, then and there being wilfully, unlawfully, maliciously, feloniously, falsely and seditiously, did during certain secret meetings held on the first, sixth, thirteenth, nineteenth, twentieth, twenty-first, twenty seventh, and thirtieth days of April, 1951, and on divers other days, incite and set on foot a certain movement with intent to stir up rebellion and promote insurrection against the authority of the Government of the Republic of Liberia by employment of the following inflammatory words and utterances, to wit: That a man can have what he is entitled to only through bloodshed; and if the Kru people or the party wish to succeed they must take a stand ; and if the party fails, third persons will come in to intervene, which definitely will result in justice in favor of the aborigines who, from time to time, have been under suppression; that if one tribe of the Krus can resist the Government for a period of six years, then it is possible that the entire indigenous element definitely can affect the Government; that Twe will be President and if he does not be President there will be no President; that their tickets will be printed and taken to the polls, that if they are not permitted to vote there will be no election ; that the United Nations is back of Twe in his doings; that if they were not successful in getting the majority of the votes in May, they would rise up against the authorities and fight a war ; as well as divers other inflammatory words, utterances and expressions too numerous to mention herein, thereby seeking to create disaffection to the Government of the Republic of Liberia and overthrow constituted authority; and thereby the crime of sedition did do and commit, contrary to the form, force and effect of the Statute Laws of the Republic of Liberia in such cases made provided and against the peace and dignity of this Republic.

"And the grand jurors aforesaid upon their oaths aforesaid do further present: That on the fifth day of April, 1951, in the Commonwealth District of the City of Monrovia (Bushrod Island), County and Republic aforesaid, Didho Twe, Thorgues Sie, Sr., Wleh Nimley, Blamah Dukuly, Philip Doe Sherman, Robert Slewion Karpeh, Koffa Dargbe, John J. Jerreh, Gleh Koon, Emanuel K. Weeks, Doe Panti, Blamu Saymu, Gbidi Kumme, Kanta Teah, Jlateh Munah, Nimley Panti, Borkai Konee, Wion Kantie, Ti Bobor, and J. W. Tiepo, defendants aforesaid and sundry other persons whose identities are at present unknown to the grand jurors aforesaid, then and there being, wilfully, unlawfully, maliciously, falsely and seditiously, did write a letter to the President of Liberia, which is word for word, as follows to wit:

" P. O. Box #9 MONROVIA, LIBERIA *April 5, 1951.*

" 'HIS EXCELLENCY W. V. S. TUBMAN, PRESIDENT OF LIBERIA AND STANDARD BEARER OF THE TRUE WHIG PARTY, EXECUTIVE MANSION, MONROVIA, LIBERIA.

" 'YOUR EXCELLENCY,

" 'We, the undersigned, loyal and patriotic citizens most respectfully beg to submit the following for your Excellency's immediate and impartial consideration. Liberia is supposed to be a democratic State and it has been accepted as such among the sisterhood of the nations of the world, yet for 99 years since the founding of the Country, that is from 1847 to 1946, control of the Government has been exclusively and continuously in the hands of one group of people and one political party known as "True Whig". During the period of the entire 99 years the indigenous people, one and a half million or more, constituting 99% of the population of the country were disfranchised as a whole. And it was not until 1946 when the Constitution was amended, that an act entitled, 'An act to Regulate All Elections In the Republic of Liberia,' enfranchising the natives, was passed into law with property limitations. This, no doubt was the result of the forces of the changed and still changing conditions of the world. The passage of this act gave us the hope that the time had come for us to enjoy democratic participation in the administration of the affairs of the country of which we are the original owners.

" 'Consequently we organized a political party known as the United People Party whose door is open to all Liberians alike. Since the above mentioned act specified that all political parties should be formed and registered at least six months previous to any general election, . . . and that "all" nominations by organized political parties or of independent candidates shall be registered with the Election Commission not less than sixty days before day of election, in order to give us ample time to be within the law and enable us to participate in the general election of May, 1951, the articles of association of the United People Party were submitted in August, 1950, for probation to his Honor, J. Everett Bull, Acting Commissioner of Probate, Montserrado County.

"But Mr. R. F. D. Smallwood, Member of the Liberian Senate, objected to the probation of the document. Senator Smallwood had no legal ground whatever; in fact he failed to show any sound reason why the paper should not be probated and registered in keeping with the election law. The fact of the matter is that Mr. Smallwood took this action purposely to debar us from participation in the 1951 presidential election because the Whig Party is scared to death that our candidate would defeat its candidate; hence Senator Smallwood's action to chain us down.

" 'After this open suppression of our right and freedom, we amalgamated with the Reformation Party and formed a coalition party composed of both groups, natives and Americo-Liberians. In this way we thought we would be allowed to function without further suppression. But the first men we sent out on the Kru Coast under the auspices of this party to canvass for our candidates, *were* arrested at Grand Bassa by ex-Superintendent Dunn, acting Superintendent H. A. Caulcrick, Justice of the Peace, Andrew Montgomery and County Attorney, Joseph T. Cisco and their house was searched in their absence for no other reason than that they had no right to canvass for anyone against the candidate of the True Whig Party. A portable typewriter and \$70 in notes were taken and have never been returned.

" 'This action of the government officials intimidated our people, paralyzed our effort, and rendered it impossible for us to proceed with the canvassing, since the men had to return to Monrovia to escape further arrest.

" 'In view of these glaring irregularities and gross injustices committed by government officials, the government cannot justly debar us from participation in the general election on the grounds that we are late to register, because we are in no way responsible whatever for the so-called lateness.

" 'We, the undersigned, therefore, write especially to make the following request:

" `1. That J. Everett Bull, Acting Commissioner of Probate, be instructed to admit into Probate the articles of association of the United People Party, *nunc pro tunc*, to give us the opportunity to participate in the general presidential election ensuing; or

"`2. That the Election Commission be instructed to receive and register the names of our candidates under the charter of the Reformation Party.

"`3. That since the delay has been caused by the actions of government officials, which facts are well known to you as President of Liberia, we therefore request that you suspend the date of the ensuing election to give us an ample time to enable us to enjoy the rights and suffrage granted us by the law of the land and the Universal Declaration of Human Rights of which Liberia is one of the original signatories.

" 'Let it be fair play. Let the candidates of the two parties go before the electorate and let the election be decided by expression of the will of the people.

" Herbert Vere Evatt says: "Democracy . . . means the right to have more than one candidate on the ballot. Unless the right of nomination is safeguarded there is no real election and certainly no democratic system." That is to say one party election without opposition is no election at all.

" We hope you will give this matter your deepest consideration.

[Please see pdf file for list of names]

"Defendants aforesaid then and there being at the time and place aforesaid did forward copies of the said letter to the government of the United States of America and the United Kingdom of Great Britain; and as the contents of the aforesaid letter is properly the subject of domestic inquiry and adjustment, being of a political nature, defendants did thereby invite foreign interference in the domestic affairs of the Republic of Liberia, with intent in so doing to overturn, subvert, and affect the stability of the said Republic, and thereby the crime of sedition did so and commit, contrary to the form, force and effect of the statute laws of the Republic of Liberia in such cases made and provided and against the peace and dignity of this Republic.

"And the grand jurors aforesaid, upon their oaths aforesaid, do further present: That on April 16, 1951, in the Commonwealth District City of Monrovia (Bushrod Island), County and Republic aforesaid, Didho Twe, one of the defendants aforesaid, then and there being wilfully, unlawfully, maliciously, feloniously, falsely and seditiously, did write a letter to the President of Liberia which is word for word as follows:

" P. O. Box #9 MONROVIA, LIBERIA *April 16, 1951*

" HIS EXCELLENCY W. V. S. TUBMAN, PRESIDENT OF LIBERIA AND STANDARD BEARER OF THE TRUE WHIG PARTY, EXECUTIVE MANSION, MONROVIA, LIBERIA.

" Your Excellency,

" On the 15th instant a petition requesting for the extension of the time for the ensuing election to give the people a fair chance to canvass and select the proper men for their tickets was presented to your Excellency. The petition, signed by eighty odd persons, outlined in detail the irregularities and gross injustice committed against their interest by officials of the government which facts have made imperative the extension of the time of the election.

" In face of the petition which has remained unanswered I understand that the

ballots are now being printed with your name as the only Presidential candidate notwithstanding the fact that I have been duly nominated as your opponent with the backing and support of more than 75% of the people of this Republic. The people are now anxiously watching and waiting to see if their petition will be ignored. Permit me to call your attention to the following incident. In 1929 I took a position in the National Legislature against slavery and forced labor and introduced a bill which would have saved Liberia from international disgrace if it had passed into law. But the vision of my colleagues was very short and they could not see into the future as far as I could. I was consequently branded with the unfounded charge of sedition and expelled from the Legislature. But in 1930 the inevitable happened and the whole of that administration was pronounced guilty of slave trading and forced labor.

" Now history is about to repeat itself. May I emphasize that my nomination to the Presidency at this time does not grow out of any selfish desire or effort on my part but is truly providential. I wish to repeat here, as I did in 1930, that presently I am in a better position to save Liberia than you are able to realize now, and if you know what I know and can see what I am seeing, you will without any hesitation give me full justice and fair play in the issue now at bar instead of refusing to extend the time of the election and excluding my name from the ballot on the pretext that I am late to register.

" Respectfully yours,

" D. TWE,

Presidential Nominee.'

"Defendant aforesaid then and there being at the time and place aforesaid did forward copies of the said letter to the governments of the United States of America and of the United Kingdom of Great Britain; and as the contents of the letter aforesaid is properly the subject of domestic inquiry and adjustment, being of a political nature, defendant aforesaid did thereby invite foreign interference in the domestic affairs of the Republic of Liberia with intent in so doing to overturn, subvert, and affect the stability of the said Republic ; and thereby the crime of sedition did do and commit, contrary to the form, force and effect of the statute laws of the said Republic in such cases made and provided and against the peace and dignity of the said Republic.

"And the grand jurors aforesaid upon their oaths aforesaid do further present: That on the seventeenth day of April, 1951, in the Commonwealth District City of Monrovia (Bushrod Island) County and Republic aforesaid, Didho Twe, Thorgues Sie,

Sr., Wleh Nimley, Blamah Dukuly, Philip Doe Sherman, Robert Slewion Karpeh, Koffa Dargbe, John J. Jerreh, Gleh Koon, Emanuel K. Weeks, Doe Panti, Blamu Saymu, Gbidi Kumme, Kanta Teah, Jlateh Munah, Nimley Panti, Borkai Konee, Wion Kantie, Ti Bobor, and Emanuel W. Weeks, defendants aforesaid and sundry other persons whose identities are at present unknown to the grand jurors aforesaid, then and there being wilfully, unlawfully, maliciously, feloniously, falsely and seditiously did write a letter to the Secretary General of the United Nations entitled, 'An Appeal for Justice and Relief from Political Suppression in Liberia' which is word for word as follows:

" P. O. Box #9, MONROVIA, LIBERIA - April 17, 1951.

" 'FROM: THE DEBARRED UNITED PEOPLE PARTY COMPOSED OF 75% OF THE INDIGENOUS POPULATION OF LIBERIA.

" 'TO: THE SECRETARY GENERAL OF UNITED NATIONS, EAST 42ND STREET, NEW YORK CITY, U.S.A.

" 'SUBJECT: AN APPEAL FOR JUSTICE AND RELIEF FROM POLITICAL SUPPRESSION IN LIBERIA.

" 'DEAR SIR:

" 'Conditions in Liberia have passed the elastic limit and are now at the breaking point. In 1946 the Australian ballot was introduced into Liberia and for the first time an act enfranchising the natives was passed into law. The passage of this law gave us the hope to believe that the time had come when we would share in democratic participation in the administration of the affairs of our country. We therefore organized a political party of our own known as "The United People Party." In order to give us ample time to participate in the presidential election of May, 1951, the articles of association of the party were submitted to the Probate Court in August, 1950, for probation and registration.

" 'Mr. R. F. D. Smallwood, member of the Liberian Senate, objected to the probation of the document. The True Whig Party fears that our presidential candidate will defeat theirs when we put up one, hence the suppression. For this and no other reason the Probate Court has refused to register our papers. This means open disfranchisement of our group.

" 'We have appealed to the President and Standard Bearer of the True Whig Party to

order the Commissioner of Probate to register the United People Party. But notwithstanding our appeal, copy of which is attached for your information, the Whigs are now printing the ballots to carry Mr. Tubman as the only Presidential candidate without any opposition to succeed himself to the exclusion of our candidate after having served for eight long years.

" 'In view of the political suppression prevalent in Liberia we are compelled to appeal to the United Nations for justice and achievement of the following objectives.

" `1. We want the articles of association of the debarred United People Party to be pro-bated and registered, *nunc pro tunc*.

" '2. We want the names of our candidates to be received by the government and printed on the ballots together with the names of the candidates of the True Whig Party.

" '3. Since, in Liberia, after election in May, inauguration does not take place till January of the following year, we ask that the date of the election be extended to give us time to canvass for our candidates to enable us to participate in the election.

" 'Since this matter is pressing and urgent please place it in the hands of the proper branch of the U.N.O. that will take it up speedily.

[Please see pdf file for list of names]

"The defendants aforesaid then and there being at the time and place aforesaid did forward copies of the above letter to the governments of the United States of America and of the United Kingdom of Great Britain ; and, as the contents of the aforesaid letter are properly the subject of domestic inquiry and adjustment, being of a political nature, defendants aforesaid did thereby invite foreign interference in the domestic affairs of the Republic of Liberia, with intent in so doing to overturn, subvert and affect the stability of the Republic ; and thereby the crime of sedition did do and commit, contrary to the form, force and effect of the statute laws of the Republic of Liberia in such cases made and provided against the peace and dignity of this Republic.

"And the grand jurors aforesaid upon their oaths aforesaid do say: That Didho Twe, Thorgues Sie, Sr., Wleh Nimley, Blamah Dukuly, Philip Doe Sherman, Robert

SlewionKarpeh, Koffa Dargbe, John J., Jerreh, Gleh Koon, Emanuel K. Weeks, Doe Panti, Blamu Saymu, Gbidi Kumme, Kanta Teah, Jlateh Munah, Nimley Panti, Borkai Konee, Wion Kantie, Ti Bobor and J. W. Tiepo, defendants aforesaid the crime of sedition did do and commit, contrary to the form, force and effect of the statute laws of the Republic of Liberia in such cases made and provided and against the peace and dignity of this Republic.

"Republic of Liberia, plaintiff

"[Sgd.] J. DANIEL BEYSOLOW,

County Attorney,

Montserrat County.

"Witnesses:

"BENJAMIN E. TURNER

"MORRIS MASSAQUOI

"S. B. NAGBE

"W. T. THOMPSON, *Deputy Commissioner of
Police, Mo. Co.*

"REGINALD H. JACKSON

"REUBEN H. JACKSON

"Certified and True Copy of the Original."

Excepting D. Twe, who was out of the Republic and had not been arrested, and Blamah Dukuly and Robert S. Karpeh, for whom severance was prayed by the prosecution, the defendants, now appellants, were arraigned upon the foregoing indictment on June 3, 1953. They pleaded not guilty. A jury empanelled to try the issue thus joined returned a verdict of guilty on June 9, 1953, upon which verdict the trial judge rendered final judgment, sentencing each of the appellants to three years imprisonment and confiscation of their real and personal property. It is from this judgment that appellants have come before us for a hearing.

According to the above indictment, the appellants were charged with having committed the crime of sedition by:

1. Convening certain secret meetings, and at said meetings making certain inflammatory utterances.
2. Writing a certain letter to the President of Liberia in which, besides heaping invectives upon the government of Liberia, they requested the President to order the Probate Court to register their articles of association, *nunc pro tunc*, and to postpone

the general election, which, according to existing laws, was then due to be held on the first Tuesday in May of the same year.

3. Writing a certain letter to the Secretary General of the United Nations Organization, copies of which they sent to United States and British governments, reporting what they termed the oppressive and illegal treatment of their party and the aborigines by the Government of Liberia, and craving the intervention of the United Nations and the two foreign governments named into the political or domestic affairs of this country.

Although the records disclose that the appellants filed a bill of exceptions, their brief at this bar omitted many of the exceptions contained in said bill, most of which were exceptions to the lower court's ruling on objections to questions. There are a few exceptions, however, which we deem it necessary to pass upon. The first is an exception taken to the lower court's denial of a motion for a continuance. The main points stressed by appellants in this motion are in substance as follows :

1. That Counsellor Brownell, who represented the appellants, had been suspended by the Supreme Court from the practice of law; and therefore they asked the court to continue the case in order that they might have an opportunity to secure the services of another lawyer to represent them.
2. That D. Tve was a very important and material witness, without whose testimony their defense would be incomplete.

When the case was called for hearing on June 3, and announcements of representation were being made, appellants did not press the first above-stated point, but seemingly waived it. According to the minutes of the court, immediately after the prosecution had entered upon the record its announcement of representation, the defendants announced that they were represented by Counsellor T. Gyibli Collins, assisted by Counsellor W. A. Johns and Attorney P. D. Sherman, making no mention whatsoever of Counsellor Brownell. It would therefore appear that the appellants were satisfied with their representation. In our opinion the trial court waived that point and did not err in proceeding with the trial of the case.

Absence of a material witness is unquestionably ground for the granting of a continuance; but it is also a well-established rule that the granting of a continuance lies in the sound discretion of the court. The following are prerequisites for granting a continuance of a cause on the ground of the absence of a material witness:

1. The power of the court must first have been invoked to secure the attendance of the witness.
2. The moving party must state what the testimony of the absent witness was to prove, thus affording his adversary an opportunity to concede the facts which were to have been put into evidence by the said witness.

In the case at bar, after a subpoena had been issued for the attendance of witness Twe, the returns of the sheriff showed that the said witness could not be found. Counsel for appellants contended that Twe was at his farm, within the sheriff's bailiwick, when the returns were made. We ask, then, why the appellants failed to exercise their constitutional rights to compulsory process. In response to questions by this Court, appellants' counsel answered that he considered it belittling for a lawyer to point out the whereabouts of his own witness to the sheriff. But Article 1, Section 7th of our Constitution contains the following mandatory provision:

". . . and every person criminally charged, shall have a right to be seasonably furnished with a copy of the charge, to be confronted with the witnesses against him,—to have compulsory process for obtaining witnesses in his favor. . . ."

Appellants were criminally charged, and, according to them, Twe was at his farm and they knew his whereabouts. It was their right, therefore, if they felt that his testimony was indispensable to their defense to have applied for compulsory process to compel his attendance. Their failure to do so left the judge with no alternative but to proceed with the trial of the case, and it is our opinion that in so doing he committed no error.

The next major issue presented in appellants' bill of exceptions concerns the contention that the verdict of the jury was manifestly against the evidence and the controlling law. In order to assess the merits of this argument, we must consider the statute upon which the prosecution was based, review the points of law relied upon by appellants, and thus reach just and correct conclusions thereon.

Toward the close of the year 1931, the legislators of this country envisioned the necessity of a change in our sedition laws. Accordingly, in 1932, the Criminal Code of 1914 was amended by the following enactment: "It is hereby declared seditious for any citizen of Liberia or other person resident within the territory of the Republic who shall stir-up rebellion or set on foot, incite or in any wise promote insurrection

against the authority of the Government of the Republic or

"(a) Who shall communicate by speech or in writing to any tribe, Chief of a tribe, or other person any statement imputing to the Government unfairness in the treatment of the Native population if untrue, or in any other class or section of the community with the intent in so doing to cause discontent and political unrest among them; or

"(b) Who shall write or inspire the writing of any document to a foreign Government or any official thereof making representations on any matter properly the subject of domestic enquiry and adjustment; or

"(c) Who shall convene or promote the convening of any meeting, public or private, the object of which shall be to defy, subvert or overthrow the constituted authority of the Government; or

"(d) Who shall write or speak in a disrespectful or defamatory manner of the incumbent of the Presidential Office with intent in so doing to show disrespect to the Head of the State and degrade the Office and thereby bring disintegration into the organization of Government." L. 1932 (E.S.), ch. III, sec. 1.

From the wording of the foregoing act, it can readily be seen that any person, whether citizen or alien residing within the Republic, who writes or publishes to any foreign government any information tending to invoke foreign intervention into the domestic affairs of the country, or who makes inflammatory statements to incite insurrection or rebellion against the authority of the government, is guilty of sedition.

Before examining the evidence in this case we deem it necessary to pass upon certain points of law raised by the appellants, who admitted having held meetings from time to time, but submitted that, in their exercise of the right of assembly as provided in our Constitution, their acts could not be characterized as sedition. Section 5th of Article I of our Constitution reads as follows:

"The people have a right at all times, in an orderly and peaceable manner, to assemble and consult upon the common good ; to instruct their representatives, and to petition the government, or any public functionaries for the redress of grievances."

Appellants contended that, under the above quoted section of our Constitution, it was their right to assemble in meetings for the purpose of consulting upon the

common good ; and also that their letter addressed to the President of Liberia was a petition for the redress of grievances. It therefore becomes necessary to examine the record and see whether the evidence shows that the meetings held from time to time by appellants were orderly and peaceable as required by the Constitution, or were of a seditious character. According to the minutes of the trial court as certified to us in the records, witness Morris W. Massaquoi testified as follows:

"Just in the time before we left I observed Counsellor Johns receiving some documents from Mr. Twe and putting [them] into his coat sidepocket. We left there that day. We returned there on the fourth of April because information had come that there was going to be another meeting held there, and in order not to make it look suspicious, Commissioner Thompson suggested that we go through Mr. Twe's place to McGill's Mission across the river. On our way passing through, we observed about two hundred yards from Twe's home, on the side towards the Mission, that they had prepared a vast clean place with chairs and benches with a few persons sitting around. Mr. Twe made these remarks: That this country, when the pioneers came here, they did not get things on flower bed of ease; they had to fight and struggle; and if a man is entitled to anything and he cannot get it, it is only through bloodshed that he can get the thing that is due him. And furthermore he can be President if all the Kru people were put together in unity, for the fact that one little bunch of Kru people kept the government for six years in confusion, how much more when they all are put together. He made a parable and said that, if two persons were fighting the third person, when they come in, he, D. Twe, is sure to succeed. A week or so later I met a man by name of Jackey Brown, who remarked to me in the presence of Commissioner Thompson that the election you are getting ready for, it is going to be Hell. If any man has his cutlass or his harpoon he will reach for it, even to the extent that they were going to tackle these legations and embassies near the city. When he made these remarks Commissioner Thompson told him that if he did not make a *retraxit*, he would have him put under arrest. This Brown that I have reference to was duly arrested and taken before the Attorney General at the Department of Justice. That is what I can remember right now."

Added to the foregoing was the following testimony of witness R. H. Jackson:

"One evening defendant Sie and I met and he said to me : 'I would like for you to accompany me somewhere; I am going to show you something.' I was quite busy at that time so I told him that I couldn't go at that particular moment; that I would go later. He assured me that I would not regret if I went then. After a few minutes of argument I went. He carried me to his home, and there were a few of the defendants

present. He said he had some documents from the United Nations that he would reveal to the rest of the defendants at a special meeting. Then he told me why he wanted me there. He told me he wanted me to become a member of the Reformation Party, and that party was going to reorganize the government and run it to the best interest of the poor people of the country. I became interested to find out what he wanted to reveal to the defendants. We went to Mr. Twe's farm. All the defendants in the dock were there and they wanted to go through their business in a way I wouldn't understand, by using their dialect. Defendant Sie said that he was going to give me a big position in the government. He said to me that the only thing that they were after was to overthrow Mr. Tubman's government, and that if they succeeded they would organize the government. He said that they had sufficient money to run their campaign; that the United Nations had given them some money, and some other persons had given them a lot of money; that they had a lot of money. He said that if the election was not fair they were going to make it fair ; that they were going to have a ship from the United Nations with soldiers and put Mr. Tubman out and put Mr. Twe in. And he asked the crowd : 'Isn't that so?' and they all applauded. The appointment of officers was made then by Mr. Sie, one of the defendants. He said they would prepare for a national convention when their national standard bearer, Mr. Twe, arrived. When Mr. Twe arrived, defendant Sie asked me to go there along with him. When I arrived there, Mr. Twe said : 'You are just the man I wanted to see; I want to meet you in a conference with the group of my party leaders.' At that meeting he, Mr. Twe, outlined his government. He said : 'Gentlemen, if the government attempts to break up this party, what do you suggest to be done?' Defendant Sie said : 'Well, I tell you what we will do : we can start breaking up these foreign corporations from Firestone down to Monrovia.' Mr. Twe said : 'I don't think that will work ; we do not have sufficient arms; but let us see who all will stand by in the fight with us,' and all of them raised hands. The next morning defendant Sie came to me and said : 'I want to see you.' He said : 'Somebody said they met you coming from the Attorney General's house.' I said : 'What if I come from the Attorney General's house?' He then said : 'We will stop you from coming to our meeting until this matter is investigated.' He said that they were going to Mr. Koon's place on the Camp Johnson road at two o'clock. A little later defendant Sie met me and said that Mr. Koon said there would be no meeting at his house. He then said that they would have the meeting at defendant W. W. Nimley's place, the general secretary, who was then residing at Tom Freeman Howard's house. The next day was the convention. After the convention defendant Sie threatened me. He accused me of taking certain documents from Mr. Twe's file and taking it to the President, and for that reason he was seeking to take my life. That is what I know."

The testimony of witnesses Massaquoi and Jackson, *supra*, links up with the following testimony of Police Commissioner Thompson on cross examination :

"Not only what Jackie Brown told me, but Jacob Cummings, as well as some of the defendants in the dock, said a man is born to die, and we are of the opinion, whether life or death, Mr. Twe will be made President."

Still another witness, one Turner, stated :

"I visited the meeting twice before the convention. The defendants said that Twe was going to be President if guns and cutlasses would put him in the mansion. At the second meeting they repeated the same words, so that the people might know that the Kru people had a part to play in the government. Then they all said, 'Gbatee! Gbatee!' Mr. Twe said, 'I am expecting you all to support me, and what you all cannot do, the United Nations will do.'

" Another link was added to this chain of evidence when Jacob Cummings testified :

"They said, that is the defendants, that if the Sasstown people could disturb the Government for six years and they were not near the capital, we are nearer the capital and can do more harm, and if they do not allow us to vote for Twe on that day there will be bloodshed."

Before deciding whether the testimony quoted above shows that the meetings in question were orderly and peaceable or disorderly and bellicose, let us review the case for the defense. P. Doe Sherman, the first defense witness, testified as follows :

"Q. What is your name and where do you live?"

"A. P. Doe Sherman, Lower Buchanan, Grand Bassa.

"Q. Are you acquainted with the defendants in the dock?"

"A. I am.

"Q. Defendants in the dock, together with yourself, have been charged with holding secret meetings at Twe's farm on divers days in April, 1951, and that said meetings were held with evil purposes. Please tell the court and jury all that you know touching the charge of sedition brought against the defendants.

"A. I am the second cousin of Honorable D. Twe. When he was in America he wrote me to meet him at Robertsfield on the loth of February, 1951. Prior to this, in August, 1950, a fellow lawyer from Bassa by the name of James J. Johnson came from Monrovia and acquainted me with the fact that a party under the leadership of Honorable Twe had appeared before a justice of the peace in his presence to take out an affidavit for the registration of said party. I was happy over the idea because I thought that one party in the country did not spell well for democracy. I did not hear anything more of it until I went to Robertsfield on the loth of February and met Honorable Twe and brought him to Monrovia. I went back that very day and remained on my farm at Owensgrove. There I was when I was informed that a group of men, a committee, had been sent to me together with Honorable E. Tyson Woods, that he wanted to be the vice president and I the county chairman. The committee went to Lower Buchanan; they carried \$70, and they met up with a misfortune, for which reason I have asked Blamu Saymu, one of the defendants who went on that delegation, to explain that when he comes on the stand. The information reached me that it was a committee from the Reformation Party. I had not gotten any premonition that there had been a coalition of the Reformation Party and the United People Party. So I came to Monrovia, and it was here that I came to understand that they had a nice convention and Honorable D. Twe had been nominated. I was surprised the other day when Jacob Cummings got on the stand to say that he saw me in the meeting held at Bassa and I took part in it. When I came to Monrovia it was then that I was shown copies of a communication addressed to the President, the National Standard Bearer of the True Whig Party, by Honorable Twe, who was wondering why he had not received an answer; the people were about printting the tickets and his name was left out. He came to the city from Bushrod Island to see the skipper and confer with him, but as to whether they met, I cannot say. I had to go back home, so he advised me that I would hear from him if we would be permitted to vote. I asked him how would it be possible without tickets. I do not know what he was thinking, but he said that they were printing tickets and he thought they would give him some, because under the new system all the candidates' names were printed on the same tickets. I left and went home to Bassa. Just about a day before election I received information as county chairman that there was nothing doing, we were left out of the play, and therefore we should not appear at the polls. As to any plans to incite the Kru people or any other tribe in Liberia, I never heard of it. Neither did Mr. Twe tell me any such in all the communications between him and myself. As for the other defendants, since I came in town and my association with them, I have never heard of them making such plot. That is all.

"Q. There is a petition set out in the indictment and marked 'A' by the court and also admitted in evidence. Can you say upon your oath if the defendants in the dock ever transmitted a copy of said document to the United States or British Legation?

"A. Not to my knowledge.

"Q. There is another document identified and marked 'B' by the court, same purported to be a letter of appeal from the debarred United People Party, etc., to the Secretary General of the United Nations. Can you swear if a copy of said document has ever been transmitted to the British or United States Government by defendants in the dock including yourself?

"A. Not to my knowledge.

"Q. There is also a document marked 'C' by the court and admitted into evidence dated Monrovia, Liberia, April 16, 1951, purported to be addressed to His Excellency, as Standard Bearer of the True Whig Party. Do you know if a copy has been ever transmitted to the British or United States Government?

"A. Not to my knowledge."

The prosecution cross-examined the witness as follows :

"Q. I suggest to you that your heart has never really been in Twe's movement, but that, because of tribal and family affiliation, you sympathize with same.

"A. Certainly so, because if he were fortunate enough to get the position for which he was headed, I also would be considered, and he would not leave me out.

"Q. You referred in your statement in chief to information you received about the organization of the United People Party and their appearance before a Justice of the Peace to take an affidavit for registration. Did your informant tell you how many persons appeared before the Justice of the Peace, and, if so, were the defendants among them?

"A. My informant knew only Mr. Twe by name, but he said : 'With a group of people.'

"Q. Please say whether or not you know, that after application had been made to the

Probate Court for the registration of the party and objected to, it was unreservedly withdrawn.

"A. I do not know that to be a fact, but I was informed that Honorable Holder of Crozierville came down and convened a meeting in which he put his party that he had already registered, that is the Reformation Party, and merged the United People Party in it; but that it was automatically withdrawn I do not know.

"Q. You also referred to your statement in chief to Honorable D. Twe's illness in the United States and his return to Liberia. Please say whether or not you know that, prior to his going to the United States, proceedings had been instituted against him, and that it was only after an appeal by him to the President of Liberia that the President kindly intervened, and by that means he was able to go to the United States to seek treatment."

The defense objected on the ground that the above question was irrelevant. The objection was sustained, and the prosecution excepted and continued :

"Q. You said in your statement in chief that your cousin, Mr. Twe, wrote you from the United States to meet him at Robertsfield. Please tell about his letter to the President of Liberia in which he had said that, but for the President's intervention, he would have died in Liberia and that he was finished with Liberian politics, and to prove it he would not return to Liberia until after the election."

The defense objected again on the ground that the above question was irrelevant. The court ruled that this question could be answered, and the defense excepted.

"A. No, he did not write me that, but before he left here, every time when I visited Monrovia, both of us would visit the President at his bungalow, and he being a perfect teetotaler, I would do all of the drinking, and he would make fun of me. It happened so one night I came and slept in my boots. So far I know they were on the best of terms.

"Q. You referred to one or more' visits you made to Monrovia in 1951 before you attended any meeting of the Twe group.

"A. I cannot remember attending any of the meetings because I got here after the convention.

"Q. You said in answer to a question put to you on the direct that you had no knowledge of documents, rather copies of documents, marked by the court, 'A,' 'B,' and 'C' being sent to the United States and British embassies near this capital. Will you please say whether or not you have any knowledge of their being written at all, and whether or not you and the other defendants were parties to the writing of them.

"A. I did say that I did not have knowledge of copies of those documents being sent to any foreign legations, British and American not excepted, and that as to the writing of '13,' I met it already written and I signed it."

Thorgues Sie, Sr., testified as follows :

"Q. What is your name? Where do you live?

"A. Thorgues Sie, Sr., Monrovia.

"Q. The defendants in the dock have been charged with holding secret meetings at Twe's farm on divers days in April, 1951. If you know anything such as seditious acts, please tell the court and jury.

"A. Well, all the meetings as have been held were not at Twe's farm previously except two meetings; that was on March 19, 1951, when Honorable Twe returned from the United States. We members of the Reformation Party went to welcome him. Afterwards I and the co-defendants made our plan for the convention. There never was any other meeting held there until the convention was over on April 10 1951. Our second meeting at Twe's place was over on April 19, and there we had a county convention to select our representative for our ticket, and at that county convention Mr. Jackson, who spoke here, was the county chairman. Those are all the meetings I know of held at Twe's farm. On the first of April we did not hold any meeting at Twe's farm.

"Q. Do you know, of your certain knowledge, if any threatened remarks were made during any of the meetings referred to by you, which said expressions had the tendency to incite insurrection among members of your party? Please say.

"A. To my recollection, all our meetings we had was of a friendly nature. We never had any subversive activities or anything of the kind.

"Q. There is a petition made profert in the indictment which is now admitted in

evidence. Will you say upon your oath whether copies of said petition were ever sent by you or any of your codefendants to the United States or British embassies?

"A. Not to my knowledge.

"Q. Here is a letter in the nature of a petition dated April 16, 1951, purported to be written by D. Twe to His Excellency, William V. S. Tubman, National Standard Bearer of the True Whig Party. Do you say upon your oath that copies of said letter have never been transmitted to the British and American embassies?"

The prosecution objected to the latter part of the above question as leading. The objection was sustained, and the defense excepted.

"Q. Say whether or not copies of the document made profert in the indictment, purported to be written by D. Twe on April 16, 1951, to His Excellency, William V. S. Tubman, President of Liberia and Standard Bearer of the True -Whig Party, have ever been transmitted to the British and American legations.

"A. As far as I know, I have never seen copies of the petition or document sent to the President of the Republic, the Standard Bearer of the True Whig Party, of which copy has been sent to the British or to the American embassy. I have no knowledge of that.

"Q. What about document marked 'B' by the court and admitted in evidence? Can you swear whether or not copies of said document were transmitted to any foreign government?

"A. My position in my party was National Chairman of the Reformation Party.

"Q. Please tell the court and jury whether or not any subversive activities took place during the alleged secret meetings, or whether you and your co-defendants obstructed or prevented members of the True Whig Party from the polls to cast their vote."

The prosecution objected on the grounds it was not within the *res gestae* and, that counsel was cross examining his own witness. The objection was sustained on the second ground, and the defense excepted.

"Q. Please tell the court and jury if, to your best recollection, all of these co-defendants were members of the Reformation Party, or whether you know some

who are not members of same.

"A. All the defendants are members except Emanuel Weeks and Nimley Panti. They are not members, and to my knowledge they have never attended any meetings."

The defense rested with the testimony of this witness.

It is strange that, apart from appellant Emanuel K. Weeks, who, as the record shows, proved his abstention from any association or participation in the alleged seditious movement, and appellant Nimley Panti, who, by his own testimony as well as the testimony of other persons, has been proved to have been out of the Republic during the period within which the events in question occurred, not one of the appellants elected to take the witness stand and deny the inculpatory statements made in their presence by the State's witnesses.

The prosecution asked that a mark of identification be placed on a document entitled "List of Deckhands to Board the S.S. African Grove, Voyage No. 16 Out." The court ordered the said document marked "D."

"Q. Please look at the document marked 'D' by the court and state whether the name of Nimley Panti appears thereon.

"A. Yes, that name appears thereon, on the list." The defense cross-examined the witness as follows:

"Q. You have just pointed out the name of Nimley Panti on the list of deckhands on the African Grove, Voyage 16. Do you thus give the court and jury to understand that Nimley Panti was out of the country between March 11 and May 5?

"A. That is correct."

George W. Bessman testified as follows:

"Q. What is your name? Where do you live?

"A. George W. Bessman, Claratown, Bushrod Island, City of Monrovia.

"Q. Please say if you have had any contact or are acquainted with the defendants in the dock.

"A. Yes.

"Q. During the period of your imprisonment, please say whether or not you had any conversation with any or all of the defendants and, if so, state same for the benefit of the court and jury.

"A. I went to work on May 5, 1951, and I was arrested by Superintendent Thompson and Jacob Cummings. When they arrested me, I asked Jacob Cummings: 'Why was I arrested?' When they arrested me, they sent me to jail and I met the defendants. When they took me, Bo Nimley, J. T. Nelson and Doe T. Bopleh to jail, Robert S. Karpeh asked : 'Why have they brought us to jail when we were not in the meeting?' After seven days, Jacob Cummings went to the prison compound and told the jailor that he wanted Bo Nimley, J. T. Nelson, Doe T. Bopleh and myself outside. When we got outside, he called me on the piazza and said to me: 'You know why we brought you all here is because you all wrote letters and sent a copy to the British Legation and a copy to the American Legation.' All this he told me in person, and then afterwards he spoke to the other defendants, but what he told them I do not know. After I was sent back in the cell and I asked defendants, Doe Panti and Robert S. Karpeh and old man Teffleh, and I asked them: 'Oh, is this what's coming? You all wrote letters to the United Nations and sent copies to the American Legation and British Legation?' Then Robert S. Karpeh said: 'Yes, we did it'; and Doe Panti confirmed that. Also, the old man who died said: 'Yes we did it, but when we did it you all were not there.' I then asked defendant W. W. Nimley: 'Do you know anything about this letter which they wrote?' He answered and said, 'Who knows? The person who knows it has already answered you. If I knew about it I would have answered you.' Afterwards I explained to the Attorney General what I know and have told you.

"Q. Were the other defendants, besides the ones you named as having told you that copies of a letter to United Nations were sent to the British and American embassies, present when said defendants told you this, and, if so, what was their reaction?"

The defense objected on the ground that this was crossexamination of counsel's witness. The objection was overruled, and the defense excepted.

"A. We were not all in the same room. Defendants Nimley Panti and Weeks did not say anything, but W. W. Nimley said he knew nothing about it."

The defense cross-examined the witness:

"Q. You said the defendants were placed in different rooms, not in one place. Do you give this court and jury to understand that the other defendants did not take part in this conversation in which Robert S. Karpeh and Doe Panti told you that they had written to the United Nations and sent copies to the British and American embassies?

"A. Those who were present I have named them.

"Q. So what Robert Karpeh told you concerning the sending of documents to United Nations is the only thing you know of this matter. Is that so?

"A. Yes."

Bo Nimley testified as follows:

"Q. What is your name? Where do you live?

"A. Bo Nimley; Monrovia.

"Q. Please say if you have had any contact or acquaintance with defendants in the dock.

"A. Yes, I know them.

"Q. Please say whether or not you were ever arrested on a charge of sedition and imprisoned.

"A. Yes.

"Q. During the period of your imprisonment, please say whether or not you had any conversation with any or all of the defendants, and if so, state same for the benefit of the court and jury.

"A. When I arrived at the jail, defendants asked me: 'What they brought you here for?' and I replied that the government sent me there. Then they said: 'You don't know anything about this matter that brought us here.' One day when I went to take my bath, defendants Sie and Tiepo were in the bathroom and I was outside waiting for them to come out. When they came out I stopped them. I said to them: 'Old man, this thing that brought us here, what good will you all get out of it?' Defendant Tiepo

said to me that the letter they wrote, copy of which they sent to the American embassy, they would get something good out of it, and the letter we wrote will cause Twe to become President. I told him that I was here suffering, and my old man is a member of the True Whig Party, and my allegiance is with the True Whig Party. After the conversation I went to take my bath.

"Q. Please say what was defendant Sie's reaction to this conversation between you and defendant Tiepo, if he was present.

"A. Defendant Sie was there, but he said nothing.

"Q. Please say whether you and any of the other defendants had a similar conversation.

"A. No." The defense cross-examined the witness:

"Q. You say that you were going to take your bath and these two defendants were coming out of the bathroom and you all met. The conversation you just mentioned, was it overheard by the other defendants?

"A. They did not.

"Q. You say that you told defendants that you are a member of the True Whig Party. This being true, will you please tell the court and jury why did Jacob Cummings arrest you?"

The prosecution objected on the ground that the question was irrelevant and not the best evidence. The objections were sustained, and the defense excepted. The witness was discharged with thanks.

J. Tarpla Nelson testified as follows:

"Q. What is your name? Where do you live?

"A. J. Tarpla Nelson; Monrovia.

"Q. Please say whether or not you have had any contact or are acquainted with defendants in the dock.

"A. Yes.

"Q. Please say whether or not you were ever arrested and imprisoned on a charge of sedition.

"A. Yes, I was.

"Q. Please say whether or not you had any conversation with any or all of the defendants during the period of your imprisonment, and if so, state same for the benefit of the court and jury.

"A. Yes, I met them in prison. The defendants asked me on what charge I was taken to jail, and I told them on the charge of having signed a certain letter you wrote. Defendants Robert Karpeh and W. W. Nimley, General Secretary of the Party, told me that the charge against me is false because all of the meetings they had I never attended any of them. 'We are the main people. Even the letter we wrote to United Nations and the American embassy, you are innocent.' When they said that, I said: 'If that be the case, I shall ask to get a bond.' That is all.

"Q. Please say whether or not or all of the other defendants were present at this conversation and, if so, what their reaction was.

"A. None of the other defendants were present."

Having reviewed the evidence on both sides it now becomes our duty to say whether or not the meetings held by appellants were in the category contemplated by section 5th of Article I of our Constitution. If from the evidence it can be shown that the meetings were orderly and pointed toward peace and respect for constituted authority, then undoubtedly they fell within the constitutional guaranty and in that case the appellants did not commit any wrong punishable by law.

A careful study of the evidence reveals that, barring those who have already been shown herein as not having participated, appellants did utter and make use of inflammatory and threatening statements and expressions tending to incite rebellion and insurrection, to create disregard for, and overthrow of the Government of Liberia. The following is a pertinent example:

"[T]his country, when the pioneers came here, they did not get things on a flower bed of ease; they had to fight and struggle; and if a man is entitled to anything and he

cannot get it, it is only through blood-shed that he can get the thing that is due him."

In addition, the following threatening expression was proved to have been made by appellants, namely: "A man is born to die, and we are of the opinion, whether life or death, Mr. Tve will be made President."

It is obvious that appellants' sole objective in making these inflammatory expressions was to incite the people to the extent of arousing a spirit of disregard for law and constituted authority, and by means of force and bloodshed to place their candidate at the head of the nation, even at the cost of human life. In one of the meetings in question appellant Thorgues Sie, Sr., stated that all he wanted was "to overthrow Mr. Tubman's government," meaning the Government of Liberia. More of these inflammatory expressions were made by appellant Thorgues Sie, Sr., and his co-appellants, to wit: "Well, I tell you what we will do: we can start breaking up these foreign corporations from Firestone down to Monrovia." There are many similar statements such as that, if one tribe of the Krus could resist the government for six years, the entire indigenous element could make much more trouble. Such expression could never be the product of an orderly and peaceable assembly such as is contemplated by our Constitution and cited by appellants in their defense. On the contrary, it is crystal clear from the evidence that these meetings of appellants were designed to incite rebellion and insurrection, and were patently calculated to overthrow the Government of Liberia even at the price of foreign control.

All the appellants except those already referred to herein as non-participants, were involved in the seditious movement. The record shows that, when Thorgues Sie, Sr., suggested the breaking down of all the foreign corporations, "from Firestone to Monrovia," and Mr. Tve said: "I don't think that will work; we do not have sufficient arms," and asked to see all who would stand in the fight with them, all the appellants raised their hands in assent, assurance, and applause.

It is our opinion, therefore, that since the evidence convincingly shows that the meetings held by appellants tended neither to the promotion of peace and unity in the State, nor to the preservation of order as contemplated under section 5th of Article I of our Constitution, appellants cannot enjoy the protection of this constitutional provision. While it is true that the people have a right to assemble and consult about the public good, and that all citizens possessing the required legal qualifications have a right to organize political parties in the country in harmony with existing laws, and to canvass the names of their candidates, it was never intended by the Constitution that, in the exercise and enjoyment of these rights, men should be

allowed an unbridled license to make utterances, or to commit acts capable of inciting the people, disturbing the public peace, and creating lack of unity and unrest in the country. In support of this view we quote the following:

"Freedom of speech and liberty of the press do not mean an unbridled license to say and write or publish whatever evil-minded persons may feel inclined, any more than the equally constitutional right of free assembly authorizes and legalizes unlawful assemblies, riots, routs, and the like. Liberty does not mean unrestrained license. There is a legal obligation on the part of all those who speak and write and publish to do so in such a manner as not to offend against public decency, public morals, public laws, and not to scurrilously and vituperatively attack public officers, the administration of justice, the laws of the land, or the government; and a failure in these particulars, and offending against any one or all of these things, renders a person subject to indictment and prosecution. And all such offenders, in the due and orderly administration of justice and the criminal laws of the land, should be promptly indicted, vigorously prosecuted, and adequately punished, notwithstanding, and in protection of, legitimate free speech and liberty of the press." 2 WHARTON, CRIMINAL PROCEDURE 1289-90 (10th ed. 1918).

In England the law on the subject is stated as follows :

"Sedition consists in acts, words, or writings intended or calculated, under the circumstances of the time, to disturb the tranquility of the State, by creating discontent, disaffection, hatred, or contempt towards the person of the King, or towards the Constitution or Parliament, or the Government, or the established institutions of the country, or by exciting between different classes of the King's subjects, or encouraging any class of them to endeavor to disobey, defy, or subvert the laws or resist their execution, or to create tumults or riots, or to do any act of violence or outrage or endangering the public peace.

"When the offense is committed by means of writing, or print, or pictures, it is termed seditious libel.

"The offense is a misdemeanor indictable at common law.

"In the case of a seditious libel it is doubtful whether at common law the offense is complete when the libel is composed, or whether it must be shown that it was also published.

"Seditious publications are not justified or excused by proof of the truth of the statements made." 1 RUSSELL, CRIMES AND MISDEMEANORS 301-302 (7th ed., 1910).

It is our opinion, therefore, that many of the expressions uttered by appellants at their meetings were seditious.

Defending themselves at this bar against the charge of writing letters to the President of Liberia and the United Nations, and sending copies to the American and British embassies, appellants admitted writing these letters but sought to avoid the consequences by contending that they regarded the United Nations as an organization whose office it was to establish peace, and so their letter was sent as an appeal to the United Nations to come in and make peace between their party and the True Whig Party. This argument is unmeritorious and untenable, as well as misleading and untrue. In the scurrilous and impertinent letter written to the President of Liberia, in addition to castigating the Probate Court, appellants requested the President to commit several unconstitutional acts, namely: to postpone the date of the general election contrary to existing laws already fixing the time; to order and instruct the Elections Commission to place the names of their candidates on the ballot; and to order the Probate Court to admit to probate their articles of association *nunc pro tunc*, which articles of association, according to the records before us, had been withdrawn by their own lawyer who offered them for probate, as appears more fully from the paper quoted hereunder :

"FORMAL NOTICE OF WITHDRAWAL.

"Messrs. Jacob Mason, Blamah Dukuly, Kof a Jehbo Wroteh, et al. Chairman, Botee Blopleh, Secretary, and the members of said association, by and thru Sam! C. M. Watkins, Esquire, Counsellor at Law, profferor of said articles, for probate and registration, beg to give formal legal notice that he hereby withdraws said articles of association, without reservations whatsoever; and the clerk of the Probate Court is hereby authorized to take legal notice and enter upon the records of said court this notice of withdrawal. For so doing this shall constitute his sufficient authority."

Although appellants well knew that their articles of association had been withdrawn by their lawyer, nevertheless, in their letter to the United Nations, they imputed guile to the Probate Court by charging it with having refused to admit their said articles of association to probate, and they implored the intervention of the United Nations. This is clear and convincing proof of making false representations against the Government of Liberia to foreign governments (for the United Nations is composed

of several foreign governments) and soliciting their intervention in, and interference with, the domestic problems of the country.

Appellants were bent on creating strife, mischief, and destruction; and their minds were sinister. They sent to the United Nations a copy of their letter written to the President of Liberia, which was manifestly pregnant with distortion, but failed to send to the United Nations a copy of the President's reply to their letter, which, if they desired fair play, they should have done in order to have afforded the United Nations an opportunity to have a complete picture and a hearing of both sides of the question. This is proof of a vile, wanton, and perfidious intention, one designed to overthrow the Government of Liberia.

A growing evil of this age which needs to be curbed, and which results either from ignorance or misconception of section 15th of Article I of our Constitution concerning free speech and freedom of the press, is the belief that the protection of the press and of free speech guaranteed under the Constitution affords an unbridled license to speak, write, and publish whatever one desires to, whether or not true, whether or not said expressions or publications may ruin individuals or cause the government to suffer disintegration and disruption. In our opinion the constitutional protection guaranteeing freedom of the press and free speech does not give an unbridled license to write letters of the nature written in this case to the President of Liberia and to the United Nations. On the subject of freedom of speech and of the press we quote the following:

"The constitutional liberty of speech and of the press, as we understand it, implies a right to freely utter and publish whatever the citizen may please, and to be protected against any responsibility for so doing, except so far as such publications, from their blasphemy, obscenity, or scandalous character, may be a public offense, or as by their falsehood and malice they may injuriously affect the standing, reputation, or pecuniary interests of individuals.

"This doctrine was recently authoritatively stated by the Supreme Court of North Carolina as follows : 'In its broadest sense, freedom of the press includes not only exemption from censorship, but security against laws enacted by the legislative department of the government, or measures resorted to by either of the other branches for the purpose of stifling just criticism or muzzling public opinion.' *Cowan v. Fairbrother*, 118 N.C. 406, 24 S.E. 212, 32 L.R.A. 829, 54 Am. St. Rep. 733. Such, also, is the opinion of the Supreme Court of Texas. Whatever more than freedom from previous license the constitutional guaranty may include, it is clear that it does

not grant immunity for the publication of articles which imperil the public peace by advocating the murder of governmental officers and the destruction of organized society. Constitutional government may at least protect its own life, and Johann Most was properly convicted under a statute designed to secure the public peace, because of an article appearing in his newspaper, the 'Freiheit,' instigating revolution and murder, suggesting the persons to be murdered through the positions occupied and the duties performed by them, advising all persons to discharge their duty to the human race by murdering those who enforce law, denouncing those who would spare ministers of justice as guilty of a crime against humanity, and naming poison and dynamite as agencies to be employed in murder and destruction. *People v. Most*, 171 N.Y. 423, 58 L.R.A. 509, 64 N.E. 175. Constitutional government may also, under its police power, take reasonable steps to protect the morals of the people for whom and by whom it is instituted, and to this end may suppress the circulation of newspaper which, like the Kansas City Sunday Sun of infamous memory, are devoted largely to the publication of scandals, lechery, assassinations, intrigues of men and women, and other immoral conduct. *Re Banks*, 56 Kan. 242, 42 Pac. 693 ; *State v. Van Wye*, 136 Mo. 227, 58 Am. St. Rep. 627, 37 S.W. 938; *Strohm v. People*, 160 Ill. 582, 43 N.E. 622. Likewise, newspapers may be suppressed which are made up principally of criminal news, police reports, and pictures and story of bloodshed, lust and crime. *State v. McKee*, 73 Conn. 18, 49 L.R.A. 542, 84 Am. St. Rep. 124, 46 Atl. 409. Newspapers like those just described display the licentiousness, and not the liberty, of the press. Here, as elsewhere in our political system, just rules and regulations are not badges of oppression, but are the necessary conditions of true liberty, and the constitutional guaranty under discussion is not opposed to penal and remedial laws upon the subject of libel and the regulation of procedure in the conduct of libel cases." *Coleman v. MacLennan*, 78 Kans. 711, 719-21 (1908), 98 Pac. 281, 284, 20 L.R.A. (N.S.) 361, 36869. (See, also, *State v. Pioneer Press Co.*, 100 Minn. 173 [1907]. 110 N.W. 867, L.R.A. [N.S.] 480, 117 Am. St. Rep. 684, 10 Ann. Cas. 351.)

Appellant Philip Doe Sherman, who appeared before this bar representing himself, stated in his argument that he confirms his statement made in the record denying attending any of the meetings, but admitted that he signed a letter to the United Nations, and stressed the same theory advanced by Counsellor Johns on behalf of the other appellants hereinbefore mentioned.

The letter written to the United Nations is seditious, according to the provision of our statutes and other authority cited in this opinion and judgment.

In view, therefore, of the evidence, the premises stated, and the law controlling, it is

our considered opinion that the appellants did commit the offense charged, and we hereby affirm the judgment of the lower court rendered against them, except for appellants Nimley Panti and Emanuel K. Weeks, who, on the basis of the evidence in the case, are hereby acquitted; and it is hereby so ordered.

Affirmed in part.