

# The Jailing of the 13 Communists

By WILLIAM Z. FOSTER

ONCE AGAIN the axe of reaction has dealt a blow at the Bill of Rights. The refusal of the Supreme Court to hear the appeal of Elizabeth Gurley Flynn and 12

other Communist leaders convicted under the Smith Act, which has resulted in their being sent to Federal prison forthwith, has added one more



foul chapter to the reactionary history of the High Court. It also whittles down still more the democratic rights of the American people. The whole thing is a crying outrage that should be angrily protested by the workers and the masses of the people.

The courts say that the imprisoned Communists have had due process of law, that they were given fair trials. But this is utter nonsense; the entire proceeding has been a monstrous frameup from start to finish.

The Smith Act, making it a serious crime to talk against the capitalist system and for socialism, is a direct attack upon the Bill of Rights; the Government prosecutors "made their case" with the aid of a whole battery of deliberate perjurers and before juries so intimidated that they would not dare to bring in a not-guilty verdict, no matter how vacant the Government's case. And the courts in the case have measured up, or down, to the whole reactionary level of the war-mongering, witchhunting spirit now current in the government circles.

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THE DAY WILL come when the American people will be ashamed of the present-day per-

secution of the Communists, even as it now is ashamed of the witch-hunting in Salem, the lynching of Negroes, and other crimes against democracy and freedom. Save in the case of the outraged Negro people, there has never been such a persecuted and abused minority as are the Communists and Left of today, who are being railroaded to jail under the Smith Act and other ultra-reactionary laws.

In this latest outrage upon justice in the United States, the most important thing for the people is for them to understand what it is all about. The Government's explanation that the Communists are being put in jail to prevent the U. S. Government from being overthrown, in its "clear and present danger," is intellectual trash fit only for fools to believe. Obviously, the real reason is that the war-crazed monopolists of this country, of whom the Government and the courts are the faithful instruments, are trying, by their attacks upon the Communists and other Lefts, to intimidate the whole labor and progressive movement. It is the ill-smelling fascist device of advancing the war and fascist program of big business behind the smokescreen of the alleged Communist menace.

Except for a few notable exceptions, the top leaders of organized labor have tried to wash their hands of responsibility in the attacks upon the Communists. But their hands simply cannot be cleansed. Their passivity in the face of the current attack upon civil liberties, which is largely the result of their support of the warlike foreign policies of Eisenhower and Dulles, is mainly responsible for the serious growth of fascist tendencies in the U.S. Inevitably, this developing fascism must react also against the trade union

movement.

IN THIS RESPECT, organized labor has had a bitter taste in the dangerous Taft-Hartley law, and now it is experiencing a danger even more sinister in the passage of scab-breeding "right-to-work" laws in many states. Things will get much worse, too, unless organized labor, at long last, wakes up and makes a real defense of the liberties of the people against the mass of pro-fascist laws that have recently been put on the books of the Federal and State governments. The 13 Communists who have just been jammed into jail in violation of every American tradition of justice are fighting the battle of the AFL and CIO, no less than that of the Communist Party.

By the current law persecution of Communists and other Left wingers, which is carried under a thin veneer of legal pretext, the government believes it can stamp out all opposition to its war policy. But this is a stupid illusion. With Communists it is as with the Irish shamrocks, "The faster you pluck them, the quicker they grow."

When the present mad nightmare of persecution is over, the result will be that the Communist Party will be stronger than ever. The workers will then remember and appreciate how the Communists have bravely dared, in the face of savage and wholesale prison sentences, to stand up and to let their voices be heard for peace.

The answer of the working class and its political allies to this latest miscarriage of justice, the jailing of the 13 Communists, should be to redouble their fight to wipe out the Smith, Taft-Hartley, McCarran, and Communist-Control laws, and the whole body of pro-fascist legislation, which now smears and disgraces the nation's law books.