

LABOR DEFENDER

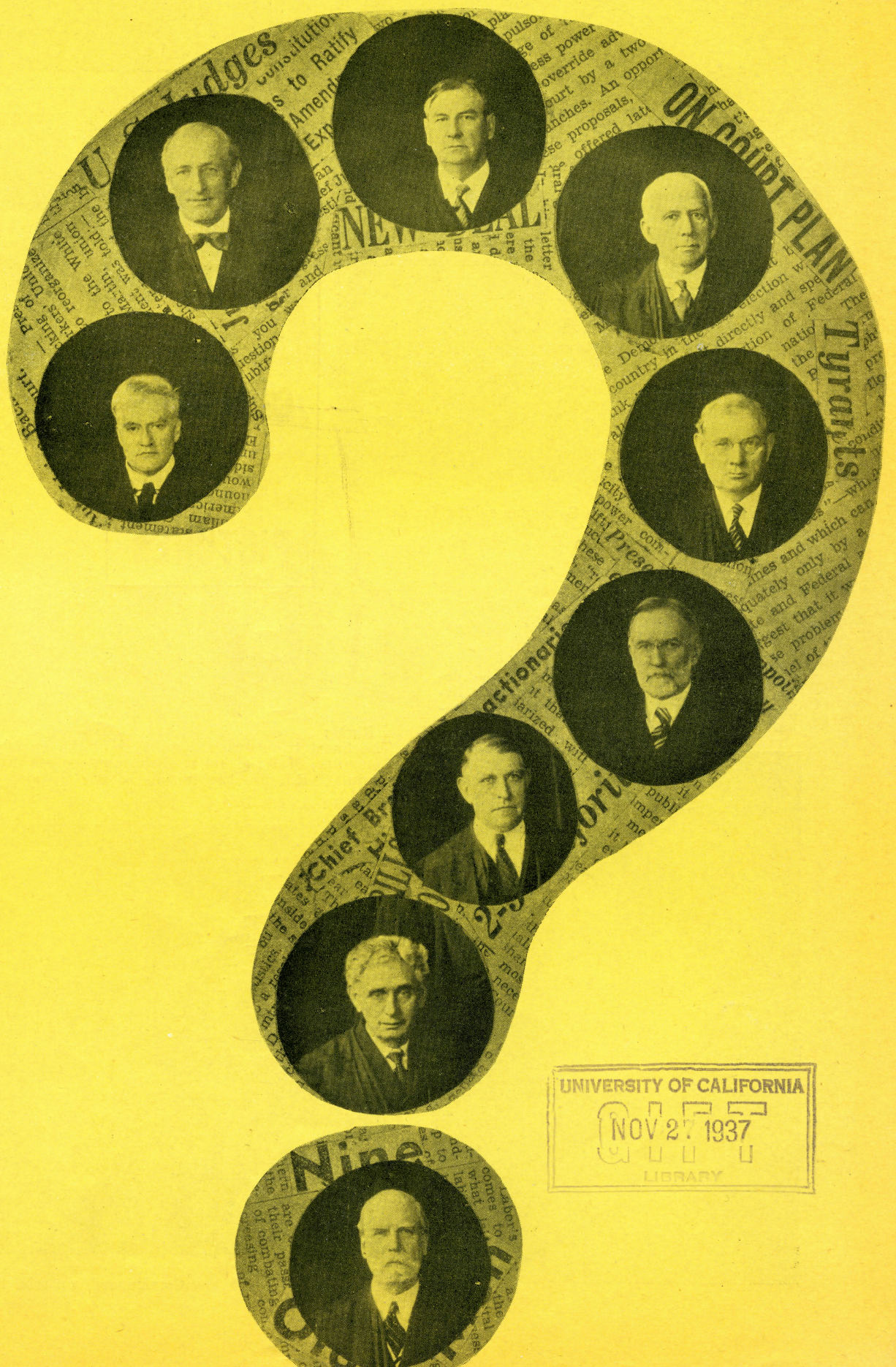
MARCH, 1937

Price 10c

HOW CAN WE CURB the POWER of the SUPREME COURT

ELIZABETH GURLEY FLYNN on CRIMINAL SYNDICALISM LAWS

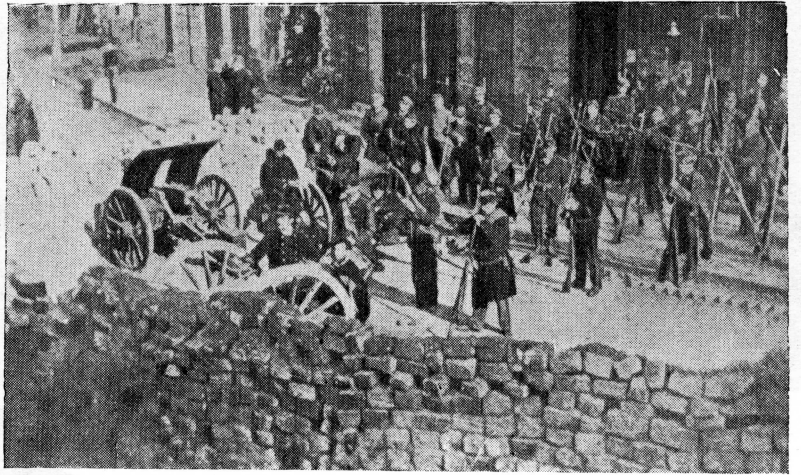
FIVE STORIES from SPAIN



UNIVERSITY OF CALIFORNIA
NOV 27 1937
LIBRARY



Proclamations of the Paris Commune calling for defense.



Above: Photograph of one of the last barricades of the Paris Commune.



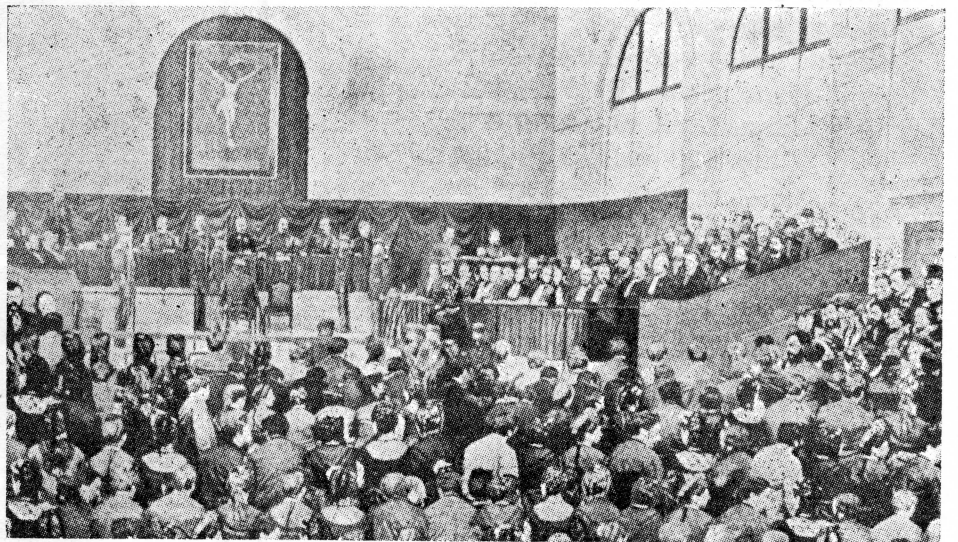
Flag of the Paris Commune - rescued and preserved by survivors.

**THE
PARIS
COMMUNE
(1871)
IN
PICTURES**

Below:
"La Passionaria" heroic leader of the defenders of democracy in Spain today—a living example of the heroism of the Communards.



Right:
The finest tribute to the martyrs of the Paris Commune. Material aid to their counterparts in Spain. (S.R.I. are the initials of the Spanish I.L.D.).



Communards on trial before a military court.



LABOR DEFENDER

Published monthly by the
INTERNATIONAL LABOR DEFENSE

Editor:
SASHA SMALL

Pacific Coast Editor:
CHESTER A. ARTHUR, JR.

Editorial Board

NATHAN ASCH
LOUIS COLMAN
ANNA DAMON
JOSEPH FREEMAN
NED HILTON

WM. L. PATTERSON

GRACE LUMPKIN
JERRE MANGIONE
ROBERT MINOR
MAURICE ROSENFELD
WALTER WILSON

Contributing Editors:

JACK CONROY
LANGSTON HUGHES
JOHN HOWARD LAWSON
WALDO FRANK

Angelo Herndon vs. the Supreme Court

The case of Angelo Herndon is now in the hands of the United States Supreme Court. They heard the oral arguments on February 8 and will hand down their decision any time after March 1.

Speculation is idle. But one thing is certain—this appeal to the Supreme Court was the last legal recourse open to us in the fight for the life and freedom of Angelo Herndon.

The State of Georgia, prepared for any emergency, has already started the passage of a new "sedition" law to replace the slave insurrection law under which Herndon was condemned. It is a much more up-to-date law, based on the more modern criminal syndicalism laws of other states, but equally vicious. In fact, the only difference is that it abolishes the death penalty and makes the maximum sentence 20 years.

This bill has already passed the Georgia State Senate. Whether it passes the house or not, it will have no effect on the Herndon case whatsoever.

If the decision is unfavorable, we will be faced with the biggest battle yet to save Herndon from death on the chain-gang. The broadest possible front of protest will have to be mobilized to force the Governor of Georgia to pardon him. We feel certain that all friends of justice and democracy stand ready to do their part—should it become necessary.

Mr. Shaw vs. Tom Mooney

The state of California has spoken once more on the case of Tom Mooney. When the U. S. Supreme Court told Mooney to take "advantage" of the last legal steps open to him in California, before asking them for his freedom on a writ of habeas corpus, Mooney's defenders proceed to do so.

California appointed a referee named Mr. Shaw to hear the arguments of both sides. The hearings lasted eleven months and ended last fall. Last month Mr. Shaw handed down his decision. He found that Mooney had not only received the fairest of fair trials, but that no person connected with the district attorney's office had acted like anything but a perfect gentleman.

A more vicious slander against the intelligence of the American people is difficult to imagine. Numerous federal government commissions, with the use of dictaphones and every facility for thorough investigation at their disposal, came to the definite conclusion that Mooney and Billings are innocent and that the district attorney's office in 1917 was filled with little less than a bunch of crooks.

The struggle for Mooney's freedom is now entering its last legal stage. Send him a letter

of encouragement and support and tell him what you think of Mr. Shaw's "findings." Tell Mr. Shaw too.



Repeal All Criminal Syndicalist Laws

Big developments this month in the campaign against criminal syndicalism and allied laws, the opening gun of which was the I.L.D. victory in the De Jonge case:

1. The State of Washington House of Representatives passed a repealer of its criminal syndicalism law.

2. Repeal bills have been introduced against the criminal syndicalism laws in Oregon, California, Illinois, and against the similar Flynn sedition law in Pennsylvania.

3. Repeal of criminal syndicalism law in Idaho legislature was defeated by only four votes. The fight was immediately renewed.

4. A teachers' and school gag law similar to criminal syndicalism laws in principle was defeated in the Arkansas Legislature after a bitter campaign.

5. A bill for the repeal of the Indiana C. S. law has been introduced in the legislature there.

The Paris Commune and Spain Today

Never has the commemoration date of the Paris Commune had as much significance for the world today as it has this year. In March 1871, the workers of Paris set up their own democratic government. It was the first of its kind in the history of the world. It lasted only 74 days, and then it was drowned in blood by the forces of reaction in France aided and abetted by the forces of reaction in imperial Germany.

Men, women and children, took up arms to defend their government. They fought until the last barricade was taken. They died proudly in defense of their right to rule themselves.

This year the anniversary of the Paris Commune finds the people of Spain, defending with their lives—their own duly elected democratic government. For nine months now they have withstood the combined forces of Spanish, German and Italian fascism. Thousands have given their lives in defense of democracy. Men, women and children alike. Their courage, their heroism is the greatest living tribute to the heroes of the Paris Commune.

On other pages of this issue our readers will find first hand accounts of the suffering of the Spanish people, determined to carry out their slogan: FASCISM SHALL NOT PASS.

They are making the greatest sacrifices—they are giving their lives, their best sons and daughters, to hold back the tide of fascism which seeks to engulf the whole world.

Latest reports show that the greatest need from the world outside is medical aid and food. People are dying for want of sufficient first aid service and apparatus. Children grow weaker daily for want of food.

The International Labor Defense has from the first moment of the war for democracy in Spain called on all its friends and supporters to give to the utmost of their ability for medical aid to the heroic people of democratic Spain. We now call on them to redouble, triple their efforts. We have sent \$15,000 worth of supplies and one ambulance—a drop in the bucket compared with the need. Send as much as you can—give as much as you can—your pennies will save the life of a man who is ready to lay it down in defense of democracy.

Monuments are fine things to keep alive inspiring examples to humanity—examples of courage and bravery and heroism. The finest monument to the memory of the men, women and children who gave their lives for the Paris Commune is to help save the lives of their counterparts in Spain, to help them win their glorious fight against fascism.

"AND DON'T WAIT TILL THE SUNRISE!"

A veteran leader of the American labor movement records the history of Criminal Syndicalist laws. She ought to know. She was one of those who led the struggle against them.

"Washington House Repeals Criminal Syndicalist Law"—comes the good news of Feb. 18, 1937. If confirmed, this is the first break in a solid line-up of thirty-six states. Twenty years ago, the radical labor movement of the United States entered upon a period of black, brutal reaction, which lasted for seven years. From 1917 to 1924 hundreds of workers were arrested, beaten, abused, tortured; aliens deported and native born "Reds" given long prison sentences. It seemed like a hideous nightmare, amidst the horror and hurry of it all in a defense office. In retrospect, it assumes a definite pattern, as part of a world in revolution and a capitalist class mad with fear.

It is well to refresh our memories and inform a younger generation of those events, because the laws, under which the wholesale arrests and deportations were made, are still on the statute books, coiled like sleeping serpents, capable of striking whenever labor is on the march.

In a later article, I will review "the deportation delirium," as it was well called. The criminal syndicalist laws deal primarily with the native born workers. Tennessee's peace time "Sedition Law" originated in Civil War days; New York's "Criminal Anarchy Law" of 1902 and New Jersey's of 1908, followed the assassination of President McKinley. These laws remained inoperative for many years. In 1916, during the World War, Australia passed an "Unlawful Association Act," aimed specifically at the I.W.W. and its anti-war campaign. This was seized immediately as a model in Western states here, where the I.W.W. were successful in organizing large numbers of workers. Idaho and Minnesota passed "criminal syndicalist laws" in 1917, following lumber strikes and the iron ore strike on the Mesaba Range; Montana, North Dakota and Washington, came next in 1918, following the Everett massacre; and California passed laws in 1919. A total of thirty-six states finally had similar laws on their statute books.

From June 1917 until shortly after the Armistice, persecutions of large numbers of Socialists and I.W.W.'s were carried on under the Federal Espionage Act, a wartime "emergency" measure. With the advent of "peace," vicious nationwide onslaughts were continued against workers of all groups, under these new state acts, which permanently riveted the repressive spirit of the Espionage Act upon the American people. I.W.W.'s were the first victims, but membership in a particular organization is not specified. This elasticity permitted wholesale prosecutions of Communists a few years later; and they can be used against the C.I.O. today or any militant group that may arise in the future.

These laws are all actually free-speech prohibitions. They are primarily concerned with utterances, *advocacy*, verbal or written and membership in organizations disseminating an *idea*—that political and industrial charges might be brought about by force and violence.

By ELIZABETH GURLEY FLYNN

They are not concerned with the use of violence, either for or against such changes, which is covered by other laws and actually makes the criminal syndicalist laws superfluous from a legal standpoint.

There have been several thousand arrests, to prevent discussion of vital labor problems and organization of workers—but these figures cannot convey the human suffering, the mental torture, the loss of liberty, the cost in labor



and dollars for defense, inflicted upon militant American workers.

After the Russian Revolution of 1917, Communist parties were organized in America. The full fury of these laws were let loose on them. Great manifestations of working class solidarity occurred in America during this period. Labor was on the march. The Chicago packing house strike of 1917; the Steel strike of 1919; the railroad shopmen's "outlaw" strike and coal miners' struggle in 1922; a big shoe workers strike in 1923; marked a high point



of resistance to exploitation and the employers resorted to desperate repressive measures. They found a willing tool in the "Quaker" head of the Department of Justice, J. Mitchell Palmer, who was a monomaniac on the subject of "reds." In 1920, he proposed a bill to Congress making "an act of hate against the U. S. Government" punishable with a twenty years sentence. We wondered if spitting on a postage stamp or thumbing one's nose at the Statue of Liberty came within the power of the act! Wm. J. Burns, head of the D. of J. Investi-

gation Bureau, demanded a half a million dollar increase in the 1922 appropriations "to fight the growing red menace." The Palmer Red Raids of 1919 and 20 were indescribably brutal and netted hundreds of Socialists, Anarchists, I.W.W.'s Communists and other workers, who were beaten, third-degreed, jailed under frightful conditions. 300 Russians were black-jacked at 133 East 15th St., the school of the union of Russian Workers. The building was a total wreck after the raid. 810 foreign-born were deported up to May 1920—others were released after months of detention. By Jan. 1921, it was estimated that 1100 prosecutions had occurred under the criminal syndicalist laws and the state of California alone had spent a million dollars. The Sacramento Bee said of the I.W.W. in 1919—"It would be a waste of time to have them arrested and tried. The best thing to do is to shoot them and not wait for sunrise either. The sooner, the better, even if there is no time to permit them counsel or benefit of clergy."

Stool pigeons, and undercover agents were used by Wm. J. Burns, as revealed in the Colyar case in Boston and vigorously denounced by Federal Judge Anderson. Two professional spies, Diamond and Contes caused conviction after conviction of I.W.W.'s in California. A strangely dramatic case was that of W. I. Fruit, I.W.W. drafted and sent to France early in the war. He regularly sent contributions from his small pay "to defend the fellow-workers." He was in the Army of Occupation in Germany. He marched in the Victory Parade that celebrated Pershing's return and then came to the office of the Workers' Defense Union, divested himself of the accoutrements of battle and rushed off to find the I.W.W. He returned to California, became Secretary of the Defense Committee, was finally arrested under the infamous Busick Injunction, which made membership, without trial, sufficient grounds for imprisonment. I well remember his first letter I received from San Quentin. It was actually happy; he was "home at last" fighting for the real thing!

Here in New York State we had ten convictions under the Criminal Anarchy Law and the infamous Lusk Laws, since repealed. District-Attorney O'Rourke appealed passionately against Larkin, Gitlow, Winitsky, Ruthenberg and Ferguson, in 1920—that "these men intend to take over fair America and transform it into a Red Ruby to be placed in the crown of the Bolshevik Lenin"! Gus Alonen, an I.W.W. editor; Paul Manko, who went insane while in prison; I. Mizher; Anna Leisman and Minnie Kolnin, were also imprisoned.

The two Lettish women were convicted for distributing May Day literature in 1921 and were confined in Auburn Prison. The entire group was imprisoned several years. For a time five of them were banished to Dannemora Prison, the worst in the state and denied all visitors. Finally, in 1923, all were pardoned by Governor Smith, with the exception of

Gitlow whose case was appealed. The Governor said he disagreed with the views of the prisoners but defended their right to express them. Governor Small of Illinois pardoned sixteen communists under the Sedition Law, stating, "These men are not criminals!"

Larkin was deported to Ireland, Mrs. Leisman was turned out of Auburn Prison in the freezing cold of January in clothing she had worn to prison in July. She was not allowed to wait for her comrades to bring heavy clothing. She contracted pneumonia and died, an obscure, workingclass woman, victim of the red raids.

In August 1922, another large criminal syndicalist case loomed on our horizon, a result of the April raid, engineered by Wm. J. Burns, on the Bridgeman, Michigan convention of the Communist Party. Seventeen were arrested, numerous others indicted, bail of \$10,000 each required and a lengthy and expensive defense ensued. Wm. Z. Foster, then Secretary of the Trade Union Educational League, was tried first. The jury disagreed. C. E. Ruthenberg, Executive Secretary of the party, was convicted. His appeal, with that of Gitlow in New York and Miss Whitney in California, were unsuccessful before the U. S. Supreme Court. Gitlow and Miss Whitney were pardoned. Charles Ruthenberg's death cheated the red-baiters of their prey in Michigan.

Then came the so-called "May Day Revolutionary Outbreak" of 1923 in Pittsburgh,

Pa. Twenty-three were held under the Flynn Sedition Law. The same story was repeated, excessive bail, lengthy trials, deportations, and three sentences of from two to seventeen years.

California took the center of the stage again in 1924, with fiendish raids on the I.W.W. Hall in San Pedro. Women and children were deliberately burned with hot coffee, men were kidnapped, tarred and feathered, arrested. The grim Western totals of 1924 were as follows:

California—105 members of the I.W.W. in San Quentin and Folsom Prisons. 53 awaiting trial.

Idaho—3 I.W.W.'s; Washington—2 I.W.W.'s; Oklahoma—2 I.W.W.'s—one to ten years.

Kansas—1 I.W.W.—one to five years.

Arkansas—1 I.W.W.—one year.

A lull followed these seven years of intense persecution. Sporadic arrests were made. Strikes are more prevalent in areas of so-called prosperity and criminal syndicalist prosecutions follow organizing campaigns and strikes. These laws are a constant menace as long as they remain on the statute books.

The coiled serpent struck again in 1930, when eight men who attempted to organize the melon workers of the Imperial Valley in California, were given the longest sentences ever meted out under this abominable law. Six of them received three to forty-two years and two received two to twenty-eight years.

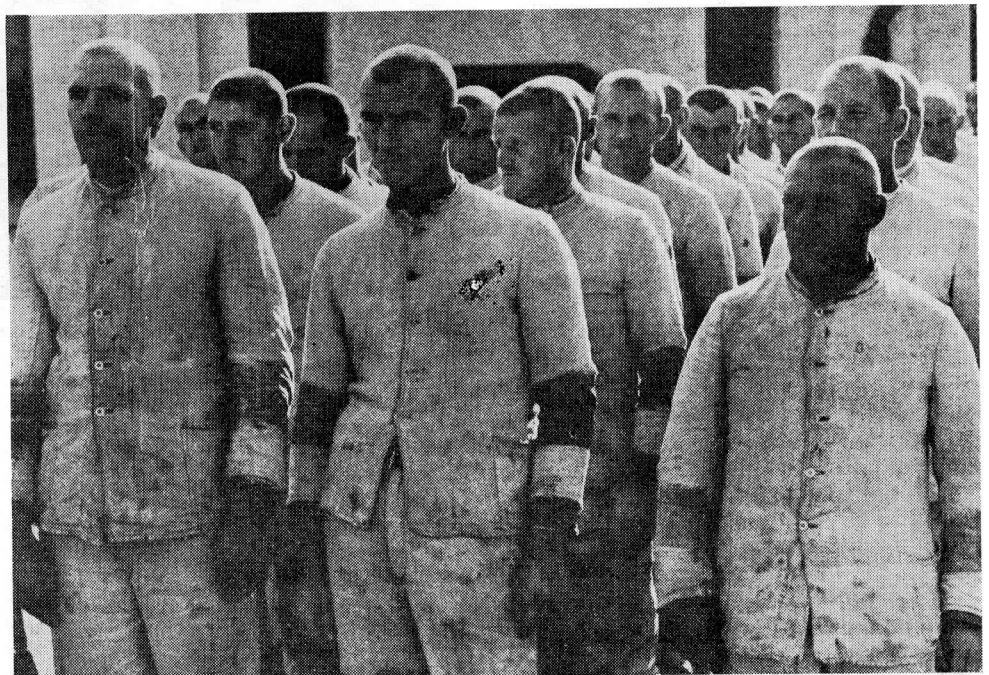
Again in 1935, a group of Communists who were leaders of the Cannery and Agricultural Workers' Industrial Union were convicted in California. Six, including two women, are now serving sentences of from one to fourteen years. So the unbroken chain stretches from 1917 to 1937—twenty years. The West Coast Maritime Strike and the General Strike in San Francisco occurred in 1934. An immediate revival of the state laws followed. Dirk De Jonge, Communist organizer in Portland, and Edward Denny, literature salesman, were convicted in Oregon. The recent Supreme Court decision did not decide on the constitutionality of the Oregon law, but simply released De Jonge. The Supreme Court has dodged this decision successfully for years.

There will be no security in workingclass organizations, either political or industrial, until these hateful measures are repealed. Organized movements, sponsored by the Washington and Oregon State Federations of Labor and various liberal groups, are urging repeal. The I.L.D. has carried on an unceasing campaign since it was organized in 1925. The American Civil Liberties Union has co-operated faithfully in this campaign. All labor forces must be rallied to assist.

The class struggle is intensifying in this country. This vicious, brutal, suppressive weapon must be wrested from the arsenal of the exploiters of America. Repeal of the Criminal Syndicalist Laws is one of the pressing needs of the hour.

HITLER'S PRISONER for the LAST FOUR YEARS

March 3 marks the fourth year of Ernst Thaelmann's imprisonment without trial in Nazi Germany. Send Hitler your protest against this fascist atrocity. Send Thaelmann your pledge of solidarity: Moabit Prison, Berlin, Germany.



Left: Ernst Thaelmann, heroic leader of the German people, symbol of the anti-fascist struggle the world over. Above: A group of German political prisoners in a Nazi concentration camp. Nazi officials

state that they are all "repeaters" which means that concentration camps do not halt the anti-fascist activities of the German people. Defiance of Hitler and his terror is clearly written on their faces.

SOVIET JUSTICE

A brilliant analysis of Chapter Nine of the new Soviet Constitution—of special interest to readers of the Labor Defender.

By PROF. N. N. POLYANSKY

The provisions of Chapter Nine of the new Soviet Constitution—THE COURTS AND THE STATE ATTORNEY'S OFFICE—embody two basic general principles: first, that the courts shall be of *the people* and second: that the courts shall guard the observance of Socialist law.

The basic distinction between the Soviet State and any other is that in the Soviet Union all authority belongs to the people. For as stated in Article I of the new constitution:

The Union of Soviet Socialist Republics is a socialist state of workers and peasants.

Its entire population, with the exception of negligible remnants of the overthrown and parasitic classes, is composed of workers, peasants and what, for want of a better single title we call the toiling intelligentsia. Of them Article III states:

All power in the U.S.S.R. belongs to the toilers of town and country as represented by the Soviets of Toilers' Deputies.

Therefore the courts also belong to the people and serve the interests of Socialist society.

The new nature of the Soviet courts is reflected in the provisions of the constitution dealing with the appointment to and composition of the courts as well as the language used in judicial procedure.

The PEOPLE'S COURTS, the basis of the Soviet judicial system are elected by all citizens of the respective districts in which they sit by universal direct, equal suffrage and secret ballot for a term of three years. Only judges of the higher courts, who must of necessity, possess special juridical and political qualifications, are elected by the Supreme Council of the U.S.S.R., the Supreme Councils of the various union and autonomous republics or the Soviets of Toilers' Deputies in territories, provinces and autonomous provinces. Judges chosen in this manner are:—the judges of the Supreme Court of the U.S.S.R., judges of the special courts, of the Supreme Courts of the union and autonomous republics, judges of

territorial and provincial courts, including the courts of autonomous provinces.

But these higher courts are also true people's courts for they are elected by the representatives of the people in the respective Supreme Councils. The judges in these courts are elected for a term of five years, and all judges can be called to account for the execution of their trust by the people of the U.S.S.R. who can, if the need arise, replace them with other better candidates.

This is not the only aspect of the constitu-

Court proceedings are conducted in the language of the Union Republic. Autonomous Republic or Autonomous Region, persons not knowing this language being ensured every opportunity of acquainting themselves with the material pertaining to the case through an interpreter and the right to speak in court in their own language.

Here is the solution of the national question in the sphere of justice and how strikingly it contrasts with Article 3 of the basic law of Czarist Russia:

The Russian language is the State Language and it is obligatory in the army, the navy, the courts and in all state and public institutions.

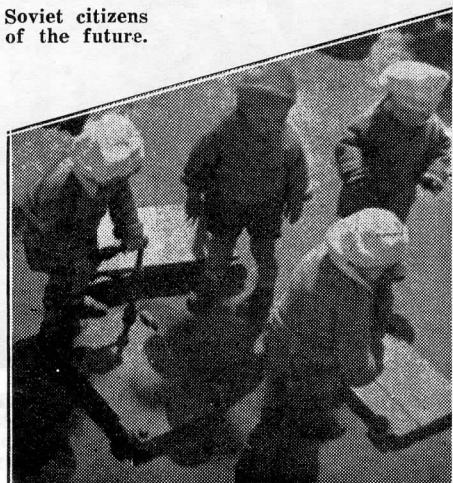
The second basic principle embodied in Chapter Nine of the new constitution is the principle of observance of Socialist law. This principle, with which the dictatorship of the working class has armed itself, requires vigilant and vigorous protection by the courts of the gains of the proletarian revolution against all enemies. The provisions of the constitution on this score, speak for themselves:

Article 130: *It is the duty of every citizen of the U.S.S.R. to observe the Constitution*



A People's Court of the Soviet Union in session. This court has two women factory workers as judges.

Soviet citizens of the future.



tion which makes the Soviet judicial system truly democratic. Article 103 states:

In all courts cases are tried with the assistance of people's assessors, with the exception of cases specially provided for by law.

It is under this provision that one of Lenin's basic teachings is being carried into practice. He particularly stressed in relation to the structure of the courts, that all the toiling population must take part in their work, and that the masses of the people—the workers, the peasants, men and women alike—must be educated to participate independently and in a business like way in the maintainance of justice.

The nearness of the Soviet courts to the people is further asserted in Article 110:

of the Union of Soviet Socialist Republics, to observe the laws, to maintain labor discipline, honestly to perform public duties, and to respect the rules of socialist human intercourse.

Article 131: *It is the duty of every citizen of the U.S.S.R. to safeguard and fortify public, socialist property as the sacred and inviolable foundation of the Soviet system as the source of wealth and might of the country, as the source of the prosperous and cultural life of all the toilers.*

Article 133: *To defend the fatherland is the sacred duty of every citizen of the U.S.S.R. Treason against the country—violation of the oath, desertion to the enemy, impairing the military power of the state, or espionage on behalf of a foreign state*

(Continued on Page 18)



Snapped on the U. S. Supreme Court steps right after the Herndon hearing, (left to right) Angelo Herndon, Anna Damon, acting national secretary of the I.L.D., Joseph Gelders, Southern representative of the National Committee for Defense of Political Prisoners.

Their Burden Is My Burden

How Angelo Herndon escaped lynching in Alabama. Another "pre-view" installment from his autobiography, "Let Me Live."

By ANGELO HERNDON

One of the sharecroppers volunteered to put me up for the night. When we got home he ransacked the house for some food for us. The poor man turned crimson. He could offer me nothing but coffee. I felt famished and would gladly have gone out to buy myself some food; but what was I going to do, embarrass the man? So I assured him I was not hungry and it really did not matter anyway.

Very hesitantly my host apologized for his poverty; there was not a bed in the house. What difference did it make? I shrugged my shoulders. We could sleep on the mattresses which lay on the floor. So I stretched out in my corner and tried to compose myself to sleep. But my nerves were so overwrought by the events of the day that I could not fall asleep. I lay prone on my back in the darkness, listening to the broken snore of my host. Poor fellow, he had gone to bed hungry and mercifully found the poor man's principal solace—sleep.

The ceiling of the room was full of big

cracks. I looked through them and beyond them and watched the stars tranquil in their crystalline light. All nature seemed to be immersed in devout peace. The frogs croaked their raucous music in a pond near by and the crickets chirped their monotonous evening song. The night lay still in revery about me. Only I felt in discord with the whole plan of the universe. The tragic destiny that was pursuing my fellow men weighted down my spirit.

The wail of millions of hungry children and men and women now reached me. I saw the despairing face of those miserable dumb-driven sharecroppers I had addressed that night. And I now knew that their burden was my burden, that their anguish was my anguish. I knew that henceforth I was to have no peace and no rest until the day of their liberation would come.

The following day with as good grace as possible, I wriggled out of my host's hospitality, fortunately, without offending him.

Suffice it that I did not let grass grow in my

tracks. I distributed pamphlets on the Negro question and quietly went about speaking to Negro and white sharecroppers. I proved to them that the only way they could possibly better their conditions was to organize into a union. I was gratified to see that I was planting my seed in the right kind of soil. The response of the sharecroppers was almost childlike in its directness and simplicity.

"What have we to lose?" said one gloomily. "It's far better to be dead than to continue living the way we do."

But the gods of capitalist society were not going to permit my activities to go unchallenged. A trap was being laid for me. They expected that I would be fool enough to walk into it, like an obliging fellow. It happened in the following way:

One morning, while I was on my way to meet with some of the sharecroppers, a smooth expensive car slid up beside me.

"Stop!" a familiar voice called out.

I wheeled around and looked at the occupants of the car. I saw a hachet faced individual, a Negro, who was a complete stranger to me. But sure enough, next to him sat my old genial friend, the Reverend Hamilton—only now he did not look so genial. In fact, he looked scared and guiltily at me. He blinked his eyes out of sheer nervousness. In the reflection of his expression I saw much trouble brewing for me.

So I steeled myself for any eventuality.

"That's him," the clergyman pointed a short pudgy finger at me. His voice trembled a bit.

I shot at him a questioning, puzzled glance.

The strange Negro, glaring rudely at me, then spoke up:

"Young fellow, if you know what's good for you, you will clear out pretty damn fast."

Then showing me his Department of Justice badge, he continued:

"See? I am a government man. I could arrest you if I only wished. And you know damn well what would happen to you in the next fifteen minutes."

Drunk with power he burst out into an arrogant laugh.

Immediately I saw a vision of a lynch mob, and I grew cold inside of me.

Then bending out of the car toward me, with what I thought was a friendly smile, the detective said to me in an undertone:

"As one Negro to another, who wishes you only good, let me advise you to get the hell out of here before those white lynchers get wind of what you are doing. They'll get you if you don't."

I regarded him steadily for a moment without saying a word. I saw that he was not altogether bad. The man had a conscience of a sort. So I said to him:

"Mr. Detective, your interest might be with the government, but surely you can't forget that you are also a Negro. How can you stand by and say nothing, do nothing, when your people are chained down to the soil as slaves?"

"What's wrong with our people?" asked the Reverend Hamilton with feigned surprise at my question. He rolled his big cow like eyes at me as if he thought my question preposterous. "All I know is that I myself am happy and comfortable."

Then turning comical, and mimicking my tone of voice, he said:

"I didn't wake up this morning with chains around my legs. Chains! What are you talking about? The man's crazy!"

(Continued on Page 18)



Snapped on the U. S. Supreme Court steps right after the Herndon hearing, (left to right) Angelo Herndon, Anna Damon, acting national secretary of the I.L.D., Joseph Gelders, Southern representative of the National Committee for Defense of Political Prisoners.

THEY SHALL NOT PASS

Eye witness reports that tell the thrilling bravery of the women and children in Spain today. We dedicate these pages to their heroism in honor of International Women's Day—March 8. All the stories on these two pages were written in Spain.

A Women Speaks

I was standing in front of a grocers shop in the Jesus and Mary Street. Suddenly—a fearful bang—and then cries for help. Broken window panes fell clattering to the road. We scattered aimlessly in all directions. When I reached Progreso Square there was another explosion and the air was completely filled with cries and groans.

This square has always been filled with children at play. They were there when the bomb fell. All seemed covered with blood. Those who were still living called for their mothers. Later I learned that 12 were killed.

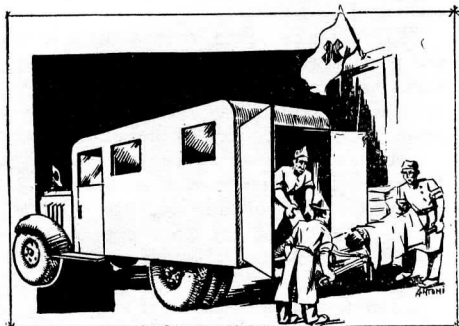
I tried to help care for them, but my strength failed me. I was paralyzed by the red pool that spread across the square—the blood of little children.

While I was drinking some water and trying to calm myself, I noticed three small boys—entirely unharmed. They were immediately surrounded by the rescue group. "We heard a loud—a very loud noise. We all looked up and we saw a black thing falling from the sky. We ran to the trench we made to play soldiers. That's why we were not hit. We listened to the comrades in the Militia and they said that to protect ourselves from bombs we must crawl into holes in the ground. We were not afraid of those fascists."

In the Hospitals of Madrid

We enter the women's ward and stop at the bed of Laura Guindal. She is 35 years old. One month ago she was forced to leave her home. It was in the direct line of fire. She was moved to the Salamanca district. Laura Guindal is married and has small children who need milk every day. And every day she has to go out to get milk for her babies.

"Maybe it was written in the stars—maybe it was my fate," she told us. "I was walking across a field when I saw the planes. They were very high but suddenly they swooped



The I.L.D. has sent one such ambulance to the defenders of democracy in Spain. Medical aid is one of their most burning needs. Help us send them more. They depend on us.

down. I threw myself on the ground and lay as flat as I could. I heard two or three detonations. The last very near. When it was over I tried to get up and couldn't. I looked down and saw that my knees were bleeding. I remained there till they picked me up and here I am. But I must get home quickly. My husband is at the front. My children are alone, they need care."

Sitting up in one of the beds is Benita Sanchez. Her head is bowed and she has a very far away look in her eyes. When the enemy planes dropped their murder cargo over her house, she ran out into the street with her small son. They went to a shelter prepared by the neighbors. It was really nothing but a large open pit.



Lina Odena, leader of the United Socialist youth movement of Spain. She was killed by the fascists after she held them off for hours with machine gun fire.

Many bombs fell. One right on the rim of their dug-out. Everybody was stunned. When it was over Benita's first thought was for her child. He lay beside her, his eyes still wide open looking up at the sky in terror—dead.

"What are you going to do when you recover?"

Benita does not know. Years ago she was widowed. Now she has no one. Somebody told her to go to Valencia when she leaves the hospital. She will go and do any work she can.

Against the whiteness of the pillow the merry gray eyes of Laura Benito look up at us with lively curiosity. She is 65 years old. Her shrunken face records the passage of many years of hard work. But the brightness of her eyes speaks volumes.

"How are you?"

"Very well, my son. My legs ache, but that will pass. I was wounded by one of the bombs



Widows weep in Spain, but they teach the children to raise their fists in the Popular Front salute.

that landed in the market place. It was very crowded and there was great turmoil. I lost the clothes I had just bought and a whole can of milk.

"Will you go back to your old home when you leave here?"

"Of course, my husband is waiting for me. I have four sons, but they are all married and they are at the front. My husband and I have always lived in that house. All that was good and all that was bad came to us there. It is our home. The fascists shall not drive us from it."

In the Factories

The majority of the women in the metal factories have brothers, sweethearts, husbands at the front. Their younger brothers and sisters, and their parents have been evacuated to a place of refuge. They have been assigned to work in the factory. Life is hard. They have to move from place to place, way out from the center of the city, but they don't mind.

All of them are receiving special technical training. Around each machine stand three people—a machinist, his helper and the pupil. Down the long corridors of the factory they work and learn and sing. Songs about the front, about Thaelmann, about Luis Carlos Prestes, about the country. Every once in a while silence creeps slowly down the row of machines. The horror of the war seems to shut them in. One has only recently learned that her brother fell, another that her sweetheart was killed defending democracy. Then sighs fill the air. But soon some one starts a song and sorrow is driven out.

When they are not working they talk only of the war. They exchange information. As soon as somebody comes into the factory all eyes turn toward the door, and to his eyes—good news or bad?

But the work goes on—in the able, determined young hands of these heroines of the rear guard.

"OURS"--democracy's birdmen deliver the I.L.D. paper in Spain

Like a proud eagle the scouting plane of the Spanish people wings its way over the heights of Guadarama. Far it flies, far into the enemy country. There the fascist hordes of General Franco hold sway. There, fascist punitive expeditions lay waste whole stretches of country and whole towns. There flows the blood of the best of the Spanish people. General Franco's command: "All sympathizers with the People's Front must be destroyed" is carried out by his hands of murderers.

But there, also, there still live tens of thousands of toilers and progressive minded people awaiting the day of their deliverance. They hunger and thirst for reliable news from the front, from the districts under the control of their lawful government, where their friends and comrades are organizing the fight for the freedom of the Spanish people.

Fearful glances search the heavens when the humming of an airplane propellor is heard. Friend or foe? But now the fire of the fascist anti-aircraft guns is beginning. There is the

for the earth! Another hundred metres and it must crash—but no! A bold swoop and thousands of white leaflets flutter down over the houses, leaflets and newspapers of the People's Front.

The fascist firing starts afresh, but before it can take any effect the scouting plane is already far up in the heavens, out of reach. It is returning home, in order to bring news of the positions of the enemies of the people, and to report that it has been able to give new courage, and assurance to the population in the occupied district.

In this manner *Ayuda*, the central organ of the I.L.D. of Spain, also finds its way into the enemy country. In this manner *Ayuda* plays its part together with the solidarity organization whose organ it is, even in the districts occupied by the fascists. It brings new courage and assurance not only to the population of these districts, but also to the People's Militia at the front, to the troops guarding the high-ways and in the countryside. For *Ayuda* brings



After the fascist bombers leave their mark, Spanish children come back to play.

Spain Supports Its I.L.D.

(Contributions to the I.L.D. in pesetas—12c each)

Company 3 of Battalion 2 of Alicante	168.10
Anti-fascist youth company	47.50
Eugenio Serramo and other friends from Puerto de Revenion	603.50
Eirina de Pontevedra repair workshop	968.05
Prisoners' colony	250.00
I. M. Estrugo, 2 contributions	750.00
also: 1 new leather coat, 1 winter coat, 2 raincoats, two sheets, 3 shirts, 6 pairs woolen stockings.	
The inhabitants of Carranque	216.00
The People's Front of Guadarrama	600.00
Francisco Galen (a general in the People's Army)	430.00
Group No. 8 of Safeyt Service	500.00
Storm Company 4	993.25
Railway Group of the I.L.D.	2540.00
Battery of Commandant Flores, Sierra front	317.00
Tank regiment No. 1	788.00
Watch-point No. 30 of Special Safety Service	900.00
Committee of wounded of the field hospital of Rubio Institute	368.60
Property of a soldier of the People's Militia, Julian Henriquez	500.00
The staff of the public institutions of Allacete	994.80
Staff of lamp workshop "Metal"	632.80
Largo Caballero first aid service	115.00
Elenterio warehouse (from a sale)	540.00
Tenants and landlord of 19, Virtude street	423.65
also: 2 raincoats, 1 pair boots, 1 cap, 1 pair gloves.	
"El Socialiste" regiment of People's Militia	1044.50
Pupils of protestant-evangelical school	57.60
Commandant and colonel of People's Militia of Peguerinos	725.00
2 Artillery Regiment, 4 Battery Somo Sierra front	375.00
2 battery, 1 field gun regiment	460.00
Guard of the Montana Barracks	1025.00
Radio Azana, Toledo	1252.50
Enrique Fernandez, Villaverde	500.00
Tenants committee of the house 3 Fernando Garido street	175.50
Radio Maratima S. A.	8072.70
Velasquez nursery	120.00
Communist group of postal workers	100.00
Musicians of "Passionara Battalion"	70.00
Tenants of the house 23, Carlos Arniche street	219.50
Government prisoners of the Boenavista district	225.00
Madrid doctors' solidarity	330.50
Committee of the Experiencias Industriales factory in Aranjuez	4847.75
The staffs of the cinemas Navarra and Hijor (2 days wages)	1025.00



Franco's German and Italian "friends" visit an I.L.D. hospital in Spain. Nothing is safe from their murderous air raids.

irregular rattle of machine-guns. "Ours!" men and women whisper to each other. "Ours!" The word passes from hut to hut, from house to house. The airplane circles higher and ever higher, avoiding the fire. But suddenly—what has happened? The airplane is heading straight

news of the inspiring and courageous work of solidarity which the I.L.D. of Spain and all friends of solidarity are carrying on in these days of bloody struggle and the noblest self-sacrifice. It brings them news of what the anti-fascist people of other countries are doing.



A French poster to help raise funds for material aid to the defenders of democracy in Spain.

What shall be done with the Supreme Court? That question is uppermost in the mind of progressive public opinion today. With the exception of Hearst and the Liberty League and the reactionary forces they represent, there seems to be complete agreement that something should be done. There is also general agreement on the fact that the nine old men of the Supreme Court have usurped powers never intended for them by the Constitution and have made of themselves, a sort of super legislature which has nullified almost every progressive piece of social and economic legislation in recent years.

The LABOR DEFENDER presents for its readers an assortment of suggestions made to meet the problem. Some suggestions were made by outstanding legal authorities—members of the International Juridical Association, of the National Lawyers Guild, of the International Labor Defense legal staff.

We do not state our opinion as to the merits or demerits of all proposals printed here. All of them are interesting. None of them have as yet been set forward as anything but suggestions for radically needed change.

THE UNITED STATES CONSTITUTION SAYS

Article III.

SECTION I.—(Judicial powers. Tenure. Compensation.)

The judiciary power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. **THE JUDGES, BOTH OF THE SUPREME AND INFERIOR COURTS, SHALL HOLD THEIR OFFICES DURING GOOD BEHAVIOR, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office.**

SECTION II.—(Judicial power: to what cases it extends. Original jurisdiction of Supreme Court.)

1. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction both as to law and fact, **WITH SUCH EXCEPTIONS AND UNDER SUCH REGULATIONS AS THE CONGRESS SHALL MAKE.**

HOW CAN WE CURB THE POWER OF THE



From left to right: (top row) Their Honors Roberts, Butler, Stone, Cardozo. (Bottom row) Brandeis, Van Dventer, Hughes, MacReynolds, Sutherland.

The President's Proposal plus 18 Others

The PRESIDENT'S Proposal says:

To rejuvenate the court—by advancing the age of retirement for Supreme Court justices to 70.

To increase the number of justices to 15.

WHAT ELSE CAN BE DONE TO CURB THE TYRANNICAL AND USURPED POWERS OF THE UNITED STATES SUPREME COURT?

1. Liberals can be appointed to the supreme bench as vacancies occur.
2. Congress has the right to increase or decrease the number of justices.
3. The justices of the Supreme Court can be impeached. According to the Constitution they are appointed for life but hold their office only "during good behavior."
4. The Constitution can be amended so that justices are elected by the people

instead of appointed by the president.

5. A majority decision (5 to 4 or more) is at present necessary in the Supreme Court to declare laws unconstitutional. One suggestion made, is to increase that majority. Some have even asked that a unanimous decision of all nine justices be required.

6. Since lower Federal courts at present have the power to declare laws unconstitutional, the idea has been advanced, that this power be confined exclusively to the Supreme Court.

7. Establishment of a time limit after which no law can be declared unconstitutional—say within six months after the law is passed—has been suggested as a curb to the powers of nine old men.

8. Also that the Supreme Court be deprived of the power to pass on the constitutionality of laws falling under cer-



tain specific clauses of the constitution, such as the contract clause, interstate commerce and due process, making however, special provision for civil liberties.

9. An old idea is to have the Supreme Court examine legislation for constitutionality in advance of its passage. Its opinion could then be presented to Congress or the Attorney General before it becomes the law.

10. Theodore Roosevelt's plan—This referred at the time it was made only to state courts, which were hampering social legislation passed by state legislatures. This plan was that if the state courts declared social and labor laws unconstitutional they be submitted to a referendum vote of the people for final decision. This could be extended to include the federal courts and congress.

11. Burton K. Wheeler's plan—Just as congress has the right to over-ride the President's veto of any law by a two thirds vote, it should have the right to

over-ride a Supreme Court ruling by a similar two thirds vote.

12. Since most of the improvements proposed would require amendments to the Constitution, further amending the Constitution and making such amendment easier to accomplish has been put forward as a problem. The fate of the Child Labor Amendment, travelling around the country for almost 12 years now and still not acted on by all states (ratification by three quarters of the states is required to pass any amendment) is the most crass example of the evils of the present methods.

13. One idea projected for changing the methods of amendment is to have proposed amendments submitted to the people through a special election, and a majority vote of the people be sufficient to pass the amendment.

14. The idea is also advanced that Congress should pass a law specifically taking away from the Supreme Court the power to pass on the constitutionality of specific social legislation—like the Guffey Bill, the NRA, etc.

15. Another variation of this proposal is that since the Constitution gives Congress the power to create or abolish lower federal courts, it can take certain jurisdiction—such as that which gives them the right to pass on consti-

tutionality of laws—away from them. This would mean that constitutional questions would come before the Supreme Court only in cases where they have original and direct jurisdiction (provided for in the Constitution) and not in cases taken there on appeal.

16. Some people suggest that certain special clauses in the Constitution—like the "due process" clause—should be re-defined so that Congress would have more power in the field of social and economic legislation. This "due process" clause occurs in the Fifth and Fourteenth Amendments to the Constitution.

The Fifth amendment states:

"No person . . . shall be deprived of life, liberty or property without due-process of law; nor shall private property be taken for public use without just compensation."

The Fourteenth amendment states:

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty or property without due process of law nor deny to any person within its

jurisdiction the equal protection of the laws."

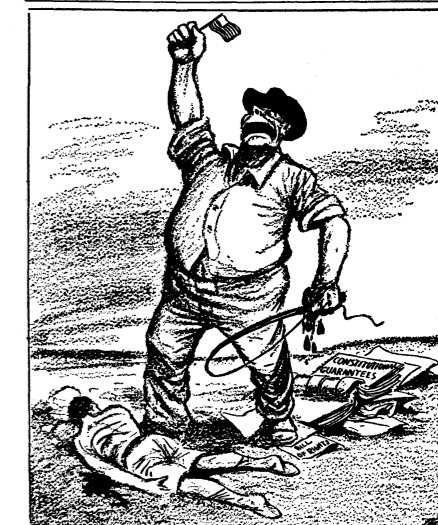
(This amendment was passed specifically to cover some of the rights of the newly freed Negro slaves.)

17. Another amendment to the Constitution is proposed giving Congress the right to pass laws to regulate the relations between employer and employee; including limitation of hours of labor, establish minimum wage standards and regulating employment agencies; establishing a comprehensive system of social security; establishing, acquiring, operating or regulating agencies for the marketing and processing of agricultural products; owning and operating enterprises in the fields of natural resources, transportation, public utilities and banking and legislating generally for the social and economic welfare of the people.

Such an amendment would require that the famous "due process" clauses of the 5th and 14th amendments to the Constitution (under which the present Supreme Court has handed down its most outstanding anti-labor decisions against minimum wage laws, hours, etc.) should not limit the powers of congress or of any state in passing laws mentioned above.

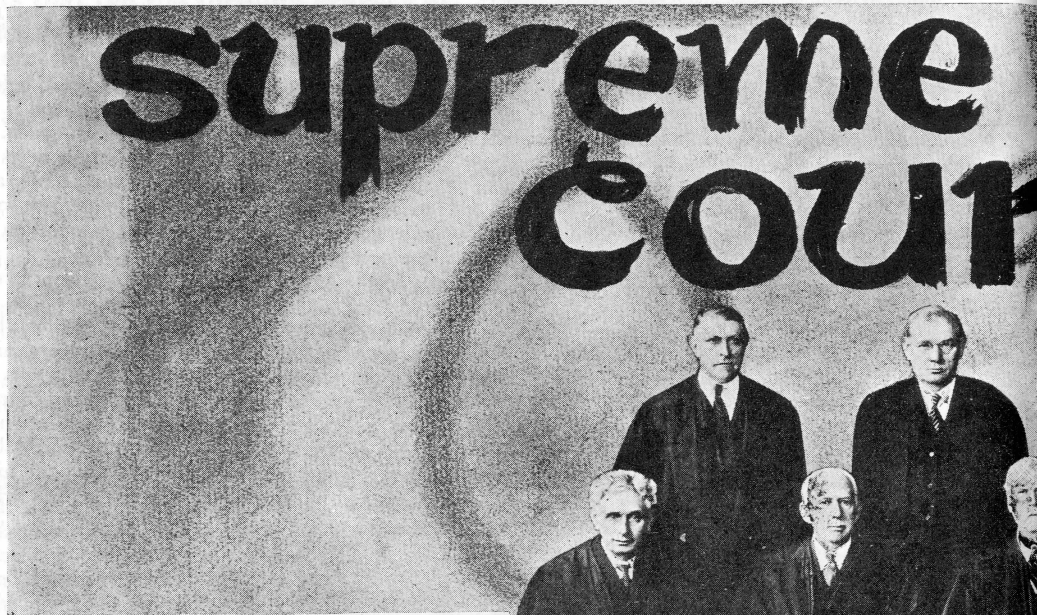
18. An amendment to the Constitution is proposed to prevent any court—Supreme, federal, state or otherwise—from holding any act of Congress—or of any legislature—invalid or unconstitutional on the ground that any administrative action taken under such an act is unconstitutional.

The Sears And Stripes Forever!

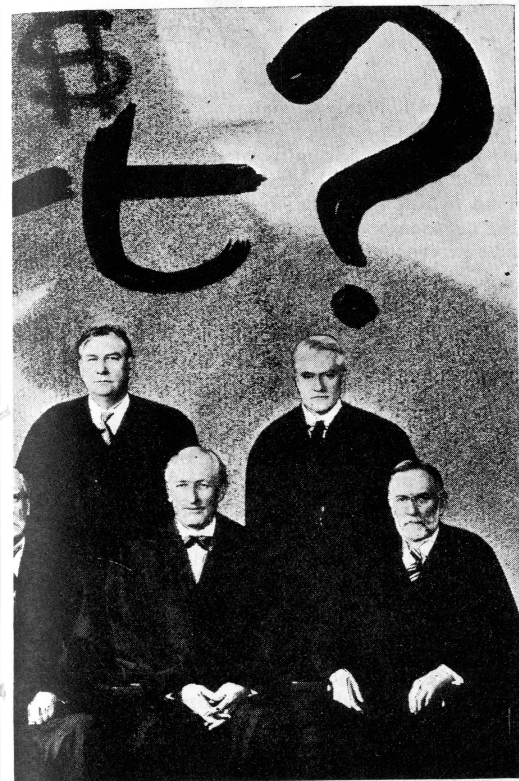


Portrait of those reactionaries who shout loudest, "Hands off the Supreme Court" when it comes to upholding labor's rights. The Constitution is trampled underfoot, lynch law rules, vigilantes go unpunished.

HOW CAN WE CURB THE POWER OF THE



From left to right: (top row) Their Honors Roberts, Butler, Stone, Cardozo. (Bottom row) Brandeis, Van Davenport, Hughes, MacReynolds, Sutherland.



FLORIDA TERRORISTS FOILED

Mr. Ponder, vigilante, tried to put one over on Mr. Puentes, militant trade-unionist, but he forgot about the defenders of democracy in Florida and the rest of the U. S. A.

The factory owners of the United States who employ foreign born workers, have always found deportation laws a great convenience and a powerful aid in dealing with "labor trouble."

They are very willing to avail themselves of these offices of the Department of Labor—and don't turn their backs as General Motors tried to do in the recent sit-down strike of auto workers.

A recent example are the deportation activities against the Spanish speaking people in Tampa, Florida, centering at the moment around the case of the former president of Local 500, of the Cigar Makers International Union—Lorenzo Puentes.

The present attempt to start a drive is the third since 1931, when Tampa cigar manufacturers successfully used the threat of deportation to halt an organization drive of the unions. Immigration officials with the blessing of the manufacturers unleashed a man hunt which wound up in mass deportation of militant cigar workers.

In 1933, when the unions had recovered somewhat from the blow, they struck again. Since 1936, the unions have gathered strength, particularly in uniting the native with the foreign born employees in a concerted drive for higher wages, shorter hours and better working conditions.

If at first you don't succeed—try, try again seems to be the motto of cigar manufacturers and all the rest for that matter. So once more immigration officials are put on the job and this time they arrested one of the most militant cigar workers—Lorenzo Puentes.

How?

It was a little bit difficult, but here's how it was done.

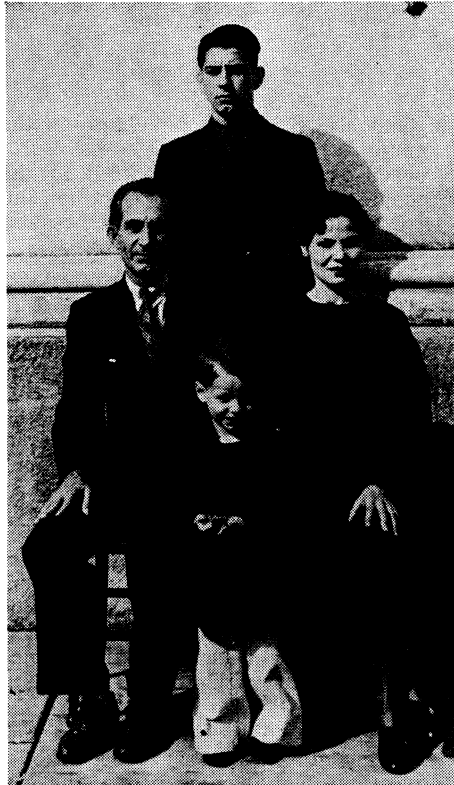
Lorenzo Puentes is 43 years old. He entered the United States legally in 1926. Married, father of two children, one 17 years old, born in Cuba, the other 3 years old, American-born.

Early in December, Imperial Wizard Hiram Evans of the K.K.K. made a speech on the radio calling for deportation of all foreign born as criminals. Stop at nothing, he said, break



up their homes, drive them out. On December 10, 1936, Lorenzo Puentes was arrested and held for deportation to Cuba, charged with being a member of the Communist Party. At the hearing on his deportation a certain, Mr. Lawrence Ponder was chief witness against him. Until October 25, 1936 Mr. Ponder's

By **ABNER GREEN**



The Puentes family of Tampa, Fla. Father, mother and oldest son are threatened with deportation.

only claim to fame was leadership of Tampa's vigilantes.

On that day, he got his pictures in a great many papers throughout the country. Earl Browder, presidential candidate of the Communist Party, was scheduled to address an election rally in Tampa, Florida. A gang of vigilantes, taking law and order into their own hands, rushed the meeting, overturned the speaker's platform, and laid violent hands on the audience. Ralph Gonzales, a young cigar maker, had his head cracked open. Robert Wise, a young student had his front tooth knocked out.

Among those present at the election rally, was Lorenzo Puentes. He saw everything that happened, and he brought charges of assault and battery against Ponder before the Criminal



Court of Record. Ponder was bound over for trial. What could be sweeter—the perfect witness for the immigration authorities.

But that wasn't all. Mrs. Puentes, was picked up by the immigration blood hounds, held for questioning and threatened with deportation proceedings.

Seventeen year old Wilfredo Puentes, was arrested and held for deportation to Cuba. Same charges. But this was so raw that the immigration inspector himself was forced to submit a recommendation that the deportation proceedings against him be dropped.

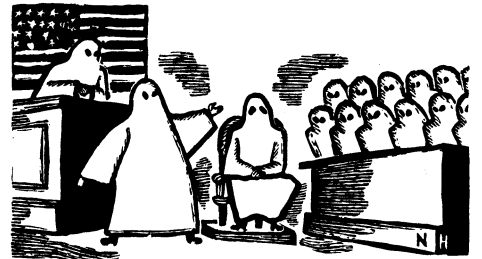
However, the immigration authorities reckoned without the organized labor movement in and outside of Florida.

Following after the brutal lynch murder of Joseph Shoemaker by Tampa's K.K.K. policemen, the International Labor Defense, with the support of an ever wider section of progressive thought in Florida, launched a movement in defense of civil liberties which is daily gaining momentum. This movement recognized the Puentes case for what it was and got behind it.

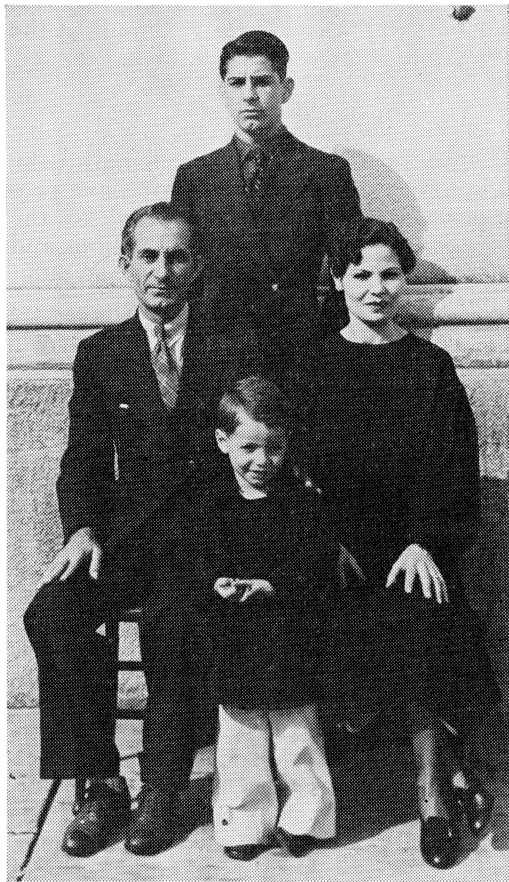
Puentes was released on bail supplied by the International Labor Defense, whose pressure forced the Department of Labor to postpone any further deportation proceedings until after his appearance against Ponder in the Criminal Court of Record.

A Florida sub-committee of the American Committee for the Protection of the Foreign Born has been organized, not only to defend Puentes and his family, but all foreign-born workers who may need its aid. A prominent Orlando labor leader, and official of the State Federation of Labor, Mr. Houghton, is a member of this committee. Other outstanding trade unionists are joining and lending their support. It will conduct a vigorous drive against deportation and discrimination against foreign born workers.

And it is already clear, that this time, the threat of a deportation drive won't work in the interests of Florida's reactionaries and the cigar manufacturers. President Van Horn of the Cigar Makers International Union has



given his wholehearted endorsement to the defense of Puentes. The Union is behind him 100%. By the time the Puentes case comes up for trial, it is to be hoped that he will have behind him a well organized defense body to protect his rights—the rights of all who are the victims of anti-labor terror.



The Puentes family of Tampa, Fla. Father, mother and oldest son are threatened with deportation.

THE SOUL OF A STOOL PIGEON



By JOHN KIRK

A true story of treachery, perfidy and baseness. Stool pigeon Scrudder confesses how he sent good union men to jail for Standard Oil in Modesto, California, and his words are recorded by dictaphone.

There's a tortured soul in Los Angeles today. Not much of a soul, but one as full as sorrow as a stool's can be. If you, dear reader, had the same things on your soul that James Scrudder has—which doesn't seem at all possible—you'd travel up to San Francisco and jump off the fine new bridge across the Golden Gate. Maybe you'd do your best to straighten out a couple of things first. But anyway, I don't think your soul could stand it. You'd have to put an end to body, soul and torture somehow.

But that isn't the way with labor spies and provocateurs. They have that kind of soul to start with. I saw a slew of them down in Washington, testifying before the La Follette Senate investigating committee about things they did that make your blood run cold. They thought it was a great joke. Why did they testify? The boss stools gave them a raw deal, so they stooped on the stools. Something like that happened with James Scrudder, but he wasn't tough enough to come out with it on his own.

Back in April, 1935, in the middle of the strike of the men on the Standard Oil Company tankers, eleven strikers were arrested and charged with transporting dynamite in two cars. One of the cars was Scrudder's, and he was the man who put the dynamite into both, then called the cops. Some of the men arrested were members of the Strike Committee. Others were just rank and filers, two of them were stools, and one of these was Scrudder. Eight of the men, known as the Modesto Boys, got prison sentences ranging from two and a half to five years. Another has been too sick to stand trial. The stools, Scrudder and Marchant, were never tried, of course.

But poor Scrudder—and Mrs. Scrudder! All he got was \$30 a week for a few weeks, \$500 cash expenses, and a job that pays \$126 a month after company deductions. And they make him do menial work! Marchant, he believes, got "a roll that would choke a horse." Two of the San Francisco police who were mixed up in it got new cars, he says. And poor Scrudder, after, to use his own expression, he "broke the tanker strike" all by himself, which, according to Mrs. Scrudder, was worth "a few million" to Standard Oil, they let him down to a lousy job and \$30 a week, and won't even give him a transfer to another part of the country or a more dignified job. Now you'd think a big-hearted outfit like Standard Oil would do better than that, wouldn't you?

Anyway, it got to be too much for Mr. and Mrs. Scrudder. They got lonely. They were bitter and disillusioned. They had been let

down. They didn't have anybody to talk to. So they made friends, and who do you think they picked? Why no one else but William S. Briggs, member of Local 309 of the Studio Transportation Drivers union, in good standing; Mrs. Briggs, member of the International Ladies Garment Workers Union, Local 65; and Harry C. Magee, member in good standing of the Sailors Union of the Pacific, current paying member of the Sailors' Union Emergency Fund, and member of the Studio Technicians Local 57.

And that's how the Modesto Defense Committee now has in its possession eighteen Ediphone records, with a transcript of a conversation between the Scrudders and the union men and women whose names I have just mentioned, in which Mr. and Mrs. Stool spilled their complaints into a dictaphone. The transcript on the records doesn't give a complete, coherent story, because it was about the sixth time they had told their story, and the union men and women had to just keep the talk revolving around the case without arousing suspicion. The records give the whole story away in disconnected fashion—and at the same time they let some light into that queer thing whose very existence most people doubt—the soul of a labor stool.

"You know," says Scrudder on the records in the possession of the Modesto Defense Committee, "I've always been a sympathetic sort of a nut for a guy that's been around like me and I never like to get into trouble. (He was undercover man for the police in the San Francisco general strike of 1934, claims he saw a policeman shoot one of the longshoremen that was killed, but was warned by Johnny Egler of the police department never to say anything about it nor tell the name of the cop if he knew what was good for him.) I've had no use for a guy that did get in trouble. I've always tried to live decent, see. But after going through a deal like this and getting this way . . . I'll tell you, practically speaking I'm wrecking my health, and hers too!

"You know, I'm going to play fair to the Standard Oil! I don't open my mouth! But I think they owe me what they promised."

"He gave them a chance," says Mrs. Scrudder. "To heck with them!"

"The old saying," says Scrudder, "when you go to work for the Standard Oil after you've been there ten days they got something on you. You know this if they had anything on me they'd can me by this time."

Somebody suggested that Scrudder should come clean with the unions involved, but poor Scrudder has no place to turn. Labor, he is afraid, wouldn't do "a thing" for him. "At least they (Standard Oil) give me a job." And besides: "The Industrial Association (California employers' organization) is liable

to send out a squad, take me up and take me for a ride and put a lot of weight on my feet and bury me in the ocean."

"Did you have to face these fellows (the Modesto boys) on the stand?" Scrudder was asked. "Oh yeah, they were all sitting there." "Did they look at you pretty hard?" "Oh yeah, they sat there with a sneer on their face. It didn't bother me a bit. The only thing was they might get up and throw a slug from that audience."

And the next minute somebody said: "of course my sympathy has been with the seafaring element." And Scrudder answered: "Mine has too, but they're rotten now and I'll tell you that much. I tried to help them out." Says Scrudder!

"I'm not asking for cash or anything," he said. "I'm asking for transfer." And half a minute later: "If they give me ten thousand dollars—a little money and a job." Mrs. Scrudder: "But who says they're going to give it to you?" Scrudder: "Sure, oh, that'll be chicken-feed to them." Mrs. Scrudder (who is more ambitious than her husband): "\$25,000."

Briggs said: "You and I know that organization is essential for the working man." Scrudder: "It's got to come. They're not going to give you anything because they like your looks, are they?" And at another point in the recorded conversation: "Why, the cop told me right away he sez the bulls told me, he sez do you realize Scrudder he sez what you did he sez broke the strike?" Briggs: "By framing those guys?" Scrudder: "It was a frame-up in the sense of the word, yeah." Mrs. Scrudder: "Oh, it isn't that. They were actually framed. It isn't that. They deserved what they got!"

And that, brothers and sisters, is a portrait of a stool and his wife, painted in their own words.

His testimony involves Cleary, prosecuting attorney, and De Vose, the special prosecutor provided by Standard Oil who, Scrudder says, framed his testimony; three San Francisco police, Harry Major, Captain Healy, and Englers, who arranged that he should work for Standard Oil, and through one of whom he drew his pay; Arnold, chief detective of the Standard Oil Company (Scrudder thought if he could ever get over Arnold's head to the Board of Directors he'd get "justice" from Standard Oil).

It's so raw, this frame-up, that the California legislature has ordered an investigation—though not until the California maritime unions had exposed the whole story in a special edition of the Voice of the Federation. It's slow getting under way, this investigation, but the whole labor movement on the West Coast is behind it. California knows it's Mooney-Billings case, and California labor is alert to prevent new ones.

Seamen Think the I.L.D. Is Swell

A record of a good job well done and what the seamen think about us for doing it.

By **ANDREW R. NEWHOFF**, *New York State Secretary, I.L.D.*

"You know the main thing that we have to do on the waterfront, is to let all the seamen, longshoremen and truckmen know what the I.L.D. did in this here strike. You see, they think that the I.L.D. is swell, but all of them don't know exactly what it did. Tell about it, don't be modest, and ask them to join and support the I.L.D., then you will see them join the I.L.D. in droves." That's what one of the seamen members of the Lawrence Simpson Branch on the waterfront, said at a meeting held just after the strike. This meeting was to decide also the next steps to be taken for work amongst the seamen.

What did the I.L.D. do in this strike? How did it really carry on the defense work? The I.L.D. was an official adjunct to the legal defense committee under the jurisdiction of the strike strategy committee. When the strike broke out, a representative of the I.L.D. spoke at a meeting at the Manhattan Lyceum, and pledged the support of the organization as well as that of its legal staff, and offered the headquarters of the Lawrence Simpson branch to the seamen for their use during the strike. The response was tremendous. The men said: "We know the I.L.D. from the last strike and if they are going to be with us, it is going to be so much easier to win."

Of course the police and corrupt officials tried everything possible, to help the shipowners break the strike, and they did that with the good old frame-up system as a weapon. They went so far as to charge two men, Mansfield and Nicola, with kidnapping. The Grand Jury, the tool of District Attorney Geoghan of Brooklyn, indicted them, and when the case came into court, it was found that the evidence was so flimsy that even the judge made a statement to the effect that he could not understand why these men were charged with kidnapping. The case was thrown out of court.

Three hundreds arrests and only a handful of convictions—all because the I.L.D. and the Strike Defense committee, together with our Legal Staff lawyers, were able to expose the workings of the enemies of the seamen.

Besides defending seamen, the I.L.D. also fought against racial discrimination. A seaman by the name of Jackson, a Negro, was refused admittance to the Seamen's Institute. The superintendent stated to the delegation demanding an investigation, "you see all that we are trying to do is to protect the lives of the Negroes, because the whites would beat them up if we should put them up." We challenged this statement, and told him that the seamen in this strike had learned that solidarity would be the only thing that would win any battle. That night six Negro seamen were sent, and admitted, because the white seamen went along with them and this victory was hailed over the

whole waterfront. This was the first time Negroes were ever admitted to this institute.

Chinese seamen, who are virtually prisoners on the ships, were not able to participate in the strike because the companies, together with the government would not allow them to land. The I.L.D. took up their case which is still in the courts, for the rights of these seamen who are underpaid and whom the shipowners are try-

ing to use as scabs. The Chinese seamen heard about what was being done for them and sent a letter with a large sum of money to the strike strategy committee in which they said, "Greetings to our fighting fellow workers. You know that circumstances beyond our control prevent us from joining you, but we are with you. We won't scab! Take this money and use it for our strike. We will send you some more later. Solidarity greetings from the Chinese Seamen."

The I.L.D. is not a new organization on the waterfront. It is an organization of the seamen because some 250 of them are members of the Lawrence Simpson branch. That branch and the work did help greatly to win the freedom and release of Lawrence Simpson, the American Seaman just released from a Nazi concentration camp. During the strike, the Lawrence Simpson branch issued several leaflets which gave these seamen detailed information as to their rights. Those men
(Continued on Page 16)

Guthaben bei der Entlassung:

Eigenes Geld *RM*

Arbeitsbeziehung *1.02*

(Dauergeld u. Rücklage)

Sonstige Unterstützung

zusammen 1.02 RM + 44.52

Er hat bei der Entlassung ausgedient: *585*

My Geld *585*

(*585*)

Fahrtkarte III. Klasse nach

RM sind überwiesen an

Seine Kleidung bestand aus *vollständig*

Anzug *Mantel*

Aus Mitteln der Anstalt hat er erhalten:

Der Entlassene bezieht:

Kriegsbeschädigtenrente in Höhe von *RM*

Invalidentrente

Unfallrente

Er ist *—* % erwerbsbeschränkt.

Die Strafe ist voll verbüßt.

Der Vollzug eines Strafrestes von *585/7/35*

ist bis *20. 12. 41* ausgelegt.

Bremen, den *20. 12. 1936*.

Der Oberdirektor
der Bremischen Gefangenenanstalten
Wegeler

LAWRENCE SIMPSON goes on TOUR

Accompanied by Samuel L. Dlugin, secretary National Simpson Tour Committee.

The record of Lawrence Simpson's imprisonment and release from Nazi jail. The figures on top show what he owed for board—yes, they charge for torture in Germany. The figure 585 refers to the number of days he still had to serve when his freedom was won.

Watch for the Dates in Your Home Town

March 2, Tuesday, Syracuse, N. Y.
 March 3, Wednesday, Rochester, N. Y.
 March 5, Friday, Buffalo, N. Y.
 March 7, Sunday, 2:30 P. M. Cleveland, Ohio.
 March 7, Sunday, 7:30 P. M., Akron, Ohio.
 March 8, Monday, Canton, Ohio.
 March 10, Wednesday, Toledo, Ohio.
 March 12, Friday, Detroit, Mich.
 March 13, Saturday, Gary, Indiana.
 March 15, Monday, Milwaukee, Wisc.
 March 17, Wednesday, Madison, Wisc.

March 18, Thursday, Racine, Wisc.
 March 20, Saturday, Duluth, Minn.
 March 21, Sunday, Minneapolis, Minn.
 March 22, Monday, Iowa City, Iowa.
 March 24, Wednesday, St. Louis, Mo.
 March 26, Friday, Chicago, Ill.
 March 28, Sunday, Denver, Colo.
 March 31, Wednesday, Los Angeles, Calif.
 April 5, Monday, San Francisco, Calif.
 April 9, Friday, Portland, Ore.
 April 11, Sunday, Seattle, Wash.

BETWEEN *the* LINES

with LOUIS COLMAN

The La Follette Committee last month made a preliminary report on its work, outlined the tasks before it, and asked for a \$50,000 appropriation from the Senate to continue its work. Simultaneously, the reactionaries in Congress opened a maneuver to spike the committee's embarrassing revelations about big business.

A bill appropriating funds for independent government offices and agencies, passed in the Senate, was amended in the House with a "rider"—as an appendix which has nothing to do with the main purposes of the bill is called. This provided that 30 days after passage of the bill, *no Congressional investigating committees could borrow technical assistance from the executive agencies financed by the appropriations bills.* The only possible purpose of this rider is to hamstring the La Follette committee investigating violations of civil rights, and the Weaver Committee investigating financial skulduggery in rail-roading.

Because of the tiny appropriations of these committees as compared with the magnitude of their tasks, their main reliance has been on borrowing personnel from the payrolls of W.P.A. and other executive agencies. The regular government departments which should render assistance—the Department of Justice for example—have apparently been too busy in their own skulduggery along the same lines as those being investigated to cooperate with the committee. Sent back to the Senate, this rider was struck out again, but at this writing the House whips are expected to stick it back in, and the fight may continue for some time.

Because of its limited funds, the La Follette Committee has had to confine its activities to those fields where the least effort would bring out the most telling evidence. It has been prevented from uncovering untold numbers of violations which have wrought American labor incalculable harm. Its preliminary report describes its method as "sampling" and adds:

"Even an investigation by sample will take a larger staff than is now available. The present staff is small and of uncertain tenure because, due to limited funds, it has had to be borrowed from other government agencies."

The committee's 16-page preliminary report deals mainly with industrial spy systems. This is the subject with which the committee has mainly concerned itself so far. In the LABOR DEFENDER last month we reported on the hearings in the Joseph Gelders case in Birmingham, Ala. Referring evidently to this testimony, the report says:

"Because of it (industrial espionage) the grand jury may fail to throw around him (the worker) the protective processes of the law. In one instance testimony was given that persons known to have company connections could never be indicted; that grand jurors would not dare return anything but a 'no bill'."

The report refers to the frame-up system, into which the committee has not had opportunity to go very deeply: *"The (fink) agency's interest in violence . . . is that it will prolong and embitter the fight so that a stronger guard will be called out and more money expended through the agency. The employer's interest in violence is that it shall, by being attributed to the workers, bring discredit to them, thus alienating public sympathy for their cause."* The Burlington Dynamite case, familiar to LABOR DEFENDER readers, is cited as an example.

Among topics not yet gone into by the committee, and listed in its report, are the *"status of special deputies,"* and *"the private police system, by which one employer or a group of employers maintains a force of armed guards sworn as public officials. . . . The employer's whim is clothed with legal sanction by this device, and he can from day to day direct the local course of law as he sees fit."*

The whole subject of the activities of munitions firms in labor disputes has yet to be aired by the committee. *"Workers do not buy armaments or gas,"* the report says, and that's a fact if ever there was one. *"Munitions firms confidently state their products have broken many strikes. . . . The committee has yet to take up the great burden of labor's testimony, which workers stand ready to give."*

The report re-formulates something the International Labor Defense has always said, and the LABOR DEFENDER repeatedly shown: *"That there is allowed to flourish a gigantic commercial enterprise in which employers collaborate with professional spies in assaulting citizens because they exert their lawful right to organize for collective bargaining, is shocking to any true defender of constitutional government."*

There are plenty of other things in the field of violations of civil

rights that are shocking, and the committee has shown willingness, hampered only by lack of sufficient appropriation, to turn the spotlight on them. The light of publicity can do much to help the forces of labor organize for the maintenance of democratic rights—a task basic in the work of the International Labor Defense.

The report concludes:

"But two phases of the original agenda laid down by the committee have been touched upon, the findings in these fields are only fragmentary. There remains a much broader and more important work to be done. Among its other obligations in this inquiry, your committee must study vigilante and violence groups such as the Black Legion. It must survey the private espionage and strikebreaking forces maintained by industry itself. It must inquire into evidence of individual and communal violations of free speech and assembly by various authorities and organizations. It should analyze relevant state and community statutes and their workings."

"Your committee respectfully submits that this inquiry should not be put to rest until enough is known about these practices to make a sound foundation for laws to end them."

The continuation and expansion of this Senate Investigation along the lines indicated cannot be anything but the greatest service to the whole cause of the struggle for maintenance of democratic rights, and a direct contribution as well to the work of labor defense. A thousand fine-printed pages of testimony already published, and two or three times as much heard since then but not yet made public in full transcript, have no more than skimmed the surface of a few spots. Look at almost any page of the LABOR DEFENDER in the past two years, and you will see a clue which followed up could make another thousand pages of testimony, which, having the national spotlight thrown on it, could be the basis for the mobilization of countless



Senator Bob La Follette in action. He asked questions that embarrassed the economic royalists of America and exposed how far the spy system against labor has gone in this country.

forces in our great fight. If your Senator has failed to hear from you, from any organization with which you have contact, or from any individual you know, urging that the La Follette Committee be given ample funds to continue its work, it is high time he did.

The victory of the International Labor Defense in securing a reversal from the United States Supreme Court in the case of Dirk De Jonge, sentenced to 7 years in Oregon on a charge of "criminal syndicalism," has started a lot of things. A *C. S. repeal bill* has been introduced in the Oregon legislature. The I.L.D. campaign to crystallize and organize the sentiment against the c.s. law, around the repeal bill, is getting well under way. A conference was held in Salem, capital of the state, February 15. De Jonge is on a speaking tour of the state. Since last fall when he was released from jail pending the high court appeal, he has been Oregon State organizer of the International Labor Defense. He and Irvin Goodman, militant I.L.D. lawyer of Portland, Ore., are outstanding leaders in the anti-c.s. campaign.

Jersey City, N. J., has been a lot in the news lately. It is the heart of open-shop industrial north Jersey. Governor Hoffman has promised bloodshed to the C.I.O. if it attempts to organize the state, as it certainly does intend. The National Committee for Defense of Political Prisoners (156 Fifth Avenue, New York City), has just made public a lengthy printed report of an investigating committee into *violations of labor's constitutional rights in Jersey City.* How far-reaching can be the results of victory in a single case is illustrated in the decision by vice-chancellor Fielder, in an injunction suit brought by the Communist Party of Hudson County (of which Jersey City is a part) to restrain police from interfering with its meetings. The decision was an immediate reflection of the De Jonge ruling of the Supreme Court. It said: *"It is the right of every citizen to belong to a party organized for a purpose hostile or in opposition to existing government and to advocate a change in the form of government by peaceful means and the right of such citizens to assemble together to promulgate their views peacefully is absolute."* The New Jersey trade-unions have recognized the immense importance to their organizing drive of this decision.

April 1937

marks the

6th YEAR of the SCOTTSBORO CASE



Four of the nine Scottsboro boys.

The
**Labor
Defender**

for
April 1937

will be
a

SPECIAL

NEGRO

ISSUE

giving
a

Comprehensive

Survey of

the

Plight of

the

NEGRO PEOPLE

IN AMERICA

STATISTICS

MAPS

INFORMATION

VICTORIES WON

Articles

by

Outstanding

LEADERS among

the

Negro People

The ILD Is Swell

(Continued from Page 14)

who were put in jail and could not be released because of the excessive bail that was placed against them, were given prisoners relief by the I.L.D. A few quotations from letters received, is indicative of how the seamen feel about the organization:

"I hope when you receive this letter that all of you will be in the best of health. I have not enough words to thank you for the favors to me, since I have been behind prison gates. I received the letter dated February 3rd with



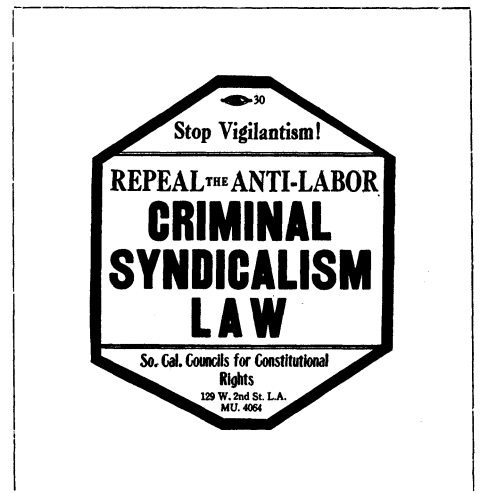
the money order and I thank you very much, as it does help me a lot in my present condition."

"I received a letter from you this morning and was very pleased to hear from some one who has taken a little interest in me, as it seems you are the only one."

"This letter will serve to thank you and the members of your organization for the dough enclosed in your letter of the 3rd."

These letters came from the Tombs Prison and they indicate the need that exists for giving aid to those people who are in jail for labor.

Thousands of dollars in back wages was also collected by the I.L.D. lawyers for the seamen. Financial aid was given by several of its branches in New York and many seamen who went to their ships after the strike made a solemn promise to the I.L.D. to build the organization, and to support it. One seaman just before shipping out, at the headquarters of the Lawrence Simpson Branch, 31 Coenties Slip, said, "I am going to work for the union to get every person that I meet signed up, and while I do that, I am going to tell them that we seamen need defense. I have seen many organizations that say they are in existence to give defense, but only the I.L.D. shows in deeds what this means. When I come back, I am going to come back with members for the I.L.D. This is our organization."



April 1937

marks the

6th YEAR of the SCOTTSBORO CASE

The
**Labor
Defender**

for
April 1937

will be

a

SPECIAL

NEGRO

ISSUE

giving

a

Comprehensive

Survey of

the

Plight of

the

NEGRO PEOPLE

IN AMERICA

STATISTICS

MAPS

INFORMATION

VICTORIES WON

Articles

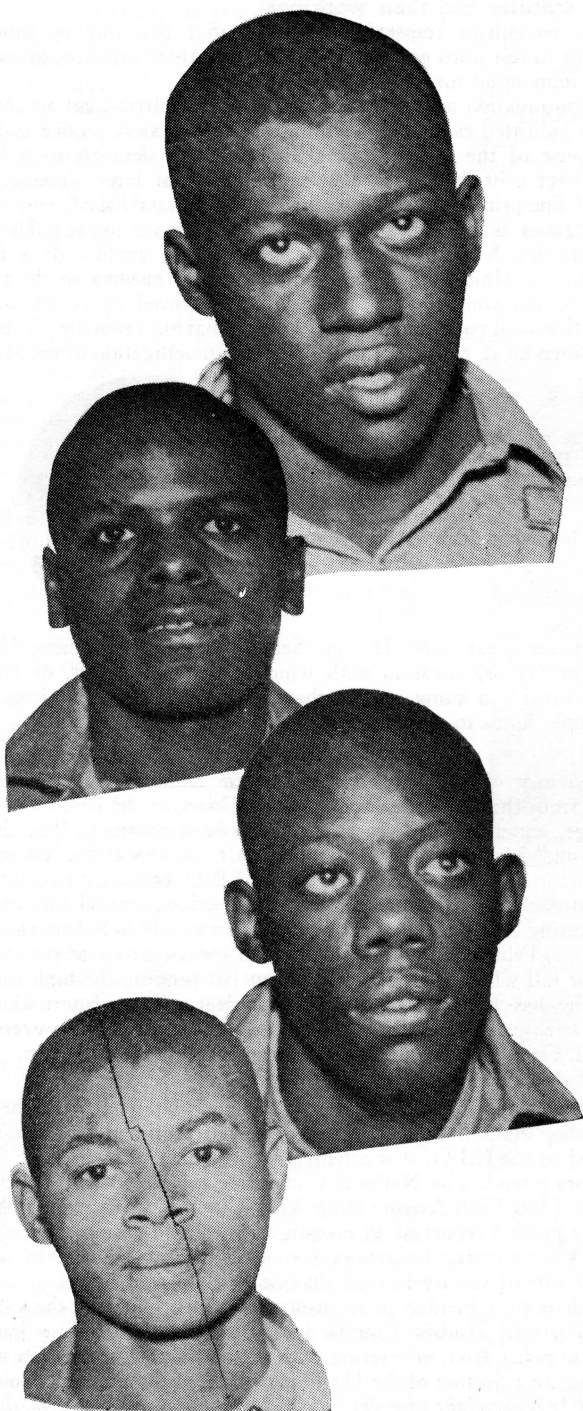
by

Outstanding

LEADERS among

the

Negro People



Four of the nine Scottsboro boys.

The Judge Commented . . . And THREE WENT TO JAIL

San Quentin gets three new distinguished inmates—King, Ramsay and Conner, leaders of the Marine Firemen's union. California labor is determined that their stay shall be as short as possible.

By JOHN CHESTER

To San Quentin prison, gloomy home of Tom Mooney, went the three victims of the infamous "ship murder" frameup on January 24. And once more California labor starts a patient fight to free men whose only crime was that of seeking decent wages and working conditions. California labor is, to put the matter grimly, used to it. For California prisons have as their honored guests Mooney and Warren K. Billings, Matt Schmidt and McNamara, the Modesto boys and the Sacramento criminal syndicalism trial victims.

Oddly peaceful when they entered San Quentin were these new recruits—Earl King, brilliant leader of the Pacific Coast Marine Firemen's Union, Ernest G. Ramsay, red-headed young organizer of the Fish Reduction Workers, and Frank J. Conner, so trusted by his fellow seamen that he was usually "ship's delegate."

Grimhaven—George Wallace, also a member of the Marine Firemen, the man who committed a beastly murder and was induced to frame innocent men so as to save his own neck.

George Wallace, solemnly kicked out of his union by unanimous vote, was not happy when he went to Grimhaven. For he has now no friend in all the world. His shipowner "friend" the district attorney who brazenly asked leniency for him—I think they will forget George Wallace quickly.

In jail, a few cells from the others, he was a lonesome man. All the prisoners avoided him; his cellmates refused even to speak to him. In Grimhaven now George Wallace is in "stool-pigeon row," reserved for those rats who sell their friends. For burglars and thieves and embezzlers will not call brother a man who lied to doom innocent men. Perhaps the district attorney will keep faith with his dupe

arguments: that the jury was chosen illegally, and that the conviction flatly contradicted the evidence. As for that first argument, readers of the Labor Defender will remember the tale of how the jury panel was chosen by banks, business houses and industrialists.

As for the second argument, it will suffice to say that two unimpeachable witnesses established Wallace as the actual killer, as a lone killer, and riddled the prosecution's contention that King, Ramsay and Conner "plotted" the crime. (None of the four was accused of wielding the murder weapon, in the prosecution's theory, that honor being reserved for a man who disappeared nearly a year ago.)

But the jury chose to believe Wallace's (I should perhaps say the district attorney's) "plot" story. There were two reasons for this phenomenon:

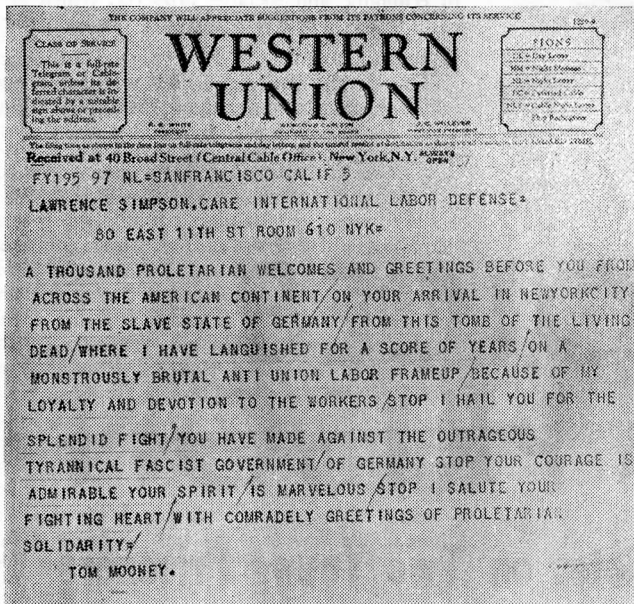
1. The jurors, nearly all above 60 years of age and totally unacquainted with labor frameups, were incapable of believing the clear evidence that the district attorney was putting perjurers on the stand. They could not believe that a man of the district attorney's reputation would be so despicable. Hence, they had no alternative but to believe that the district attorney's "plot" story was true.

2. California law allows a judge to comment, if he desires, on the evidence. Superior Judge Frank M. Ogden, presiding at the trial, "commented" with what in effect was a flat statement that the prosecution's witnesses told the truth and defense witnesses were liars. He even went so far as to call "immaterial" one bit of perjury proved in court against an ace prosecution witness—a bit of perjury which was *the only support for Wallace's story!* His action is best explained by the fact that he was formerly a deputy district attorney under the man conducting the prosecution, and was appointed to the bench on that district attorney's recommendation. He fought successfully to stay in the case when the defense challenged him for bias and prejudice; his every action indicated a pre-arranged plan to have him and no other judge in the trial. Even Hearst's San Francisco *Examiner* took cognizance of the judge's raw statements with this:

"Judge Ogden made what attorneys regarded as California murder trial history when he took full advantage of the two-year-old law permitting judges to comment on evidence.

"He bluntly stated, in effect, that the prosecution had established that the responsibility for the murder . . . rested on Earl King, E. G. Ramsay, Frank J. Conner and George Wallace."

Thus those jurors heard a judge trained to analyze evidence intimate they must bring in a conviction. Had they done anything else, they would have admitted tacitly that Judge Ogden was sharing in a frameup. That they could not believe, so they voted guilty. The proved perjury, the admissions of two witnesses that they were being paid \$175 a month by a steamship company while on strike against that company, the admission of Wallace that he had made a deal with the district attorney, the evidence damning Wallace as murderer and liar—all these things the jurors had to ignore. To find King, Ramsay and Conner not guilty, the jurors would have had to find the district attorney and the judge guilty; they would have had to discard every concept they have of human nature and of the impartiality of the law. This they could not do being what they were. They had no other choice.



The telegram Tom Mooney sent to Lawrence Simpson on the day he came back home from Germany. A lesson in solidarity.

King, Ramsay and Conner were relatively happy because they are aware of what happened to them, and because they know that organized labor is aware and intends to do something about it. Having fought shipowners, they were not surprised when shipowners secured their conviction.

In 1916, when Mooney and Billings were convicted, they had to fight the blind fakers of labor before they could get labor's backing. But now California labor has learned. When King, Ramsay and Conner were convicted, they could list as a real friend almost every man and woman who carries a union card in California.

A few days before they left for prison, another man took the ferry ride to the same

and secure Wallace's release in a few years; but even then Wallace will never be a happy man again. He will be only lonesome.

The conviction of King, Ramsay and Conner has been appealed. Months hence, the case will be heard in the District Court of Appeals. After that, the same California State Supreme Court that has refused to free Mooney and Billings. Then, the United States Supreme Court. The King-Ramsay-Conner Defense Committee, formed by forty-odd San Francisco Bay Region unions shortly after the arrests and supported by the State Federation of Labor, continues its work.

The appeal, to be handled chiefly by George R. Anderson, San Francisco International Labor Defense attorney, will be based on two

Their Burden

(Continued from Page 7)

The detective became impatient and turning sternly upon me said:

"Enough of your gaff young fellow! If you know what's good for you, you'll leave the county immediately."

With those words he started his car and rode off.

All the indignation that I was capable of welled up in me at this display of ruling class violence. Should I allow myself to be intimidated by brute force? Could I successfully pit my sense of right and my free intelligence against all the brutal forces of capitalist society? Fortunately I was not left undecided for long. My mind was made up for me at the moment by others over whom I had no control. A white sharecropper, a meek, crushed soul, with sad haunted eyes, rattled up in an old flivver. Breathlessly, he said to me: "For God's sake, get out of here as soon as you can! The landlords are organizing a lynch mob over there, ten miles yonder. Here's some money. Take the next train out. It's the only one that stops at this station today. I reckon it'll be around in about two hours. Here's hoping your train will come faster than the lynch mob."

Then reaching out his hand, he clasped mine, and said hurriedly: "Good-bye and good luck, brother. We'll do what we can to continue your good work here. God bless you."

I sat down on a log near a railroad shed and tried to compose my nerves which were slightly shaken by this time. These last few years I had been mentally preparing myself for just such an emergency as this. I fully realized that my good friend, the sharecropper, was correct in his advice. My only chance of escape was to board the train. If I tried to run away or hide myself in the woods they would be sure to call out their blood hounds and start a man hunt for me. I had to be reasonable. Constantly I kept repeating to myself the magic words:

"I must not lose my head. I must not lose my head."

Instead I grew strangely calm. I recalled with considerable comfort a story by Tolstoy, which I had but recently read, about a young revolutionary in Czarist Russia mounting the scaffold with a smiling face, and as the noose was tied around his neck, his face began to radiate like the sun. . . . Funny that I too began to feel like that revolutionary in Tolstoy's story. What if I had only two more hours to live—what if after that time I was to be dragged out by a white mob howling like a pack of wolves to the woods, there to be stripped, to be beaten, to be tarred and feathered or to be mutilated until my body lay still? What if they did? The possibility of such a fate brought me neither dread nor despair. Instead there passed before my mind's eye, the grave strong faces of Robert Minor, B. D. Amis and other fighters for the working class. The mere thought of them suffused by heart with a warm glow. I was not alone! Everywhere—everywhere where there was suffering, persecution and exploitation there were men like myself, thousands upon thousands of them, fighting resolutely for a new world order. And if I died, all these, my brothers everywhere, would pick up the loose threads of my unfinished labors and continue the advance to ultimate triumph. I felt sure that my life had not been wasted. Few though my years had been, I had succeeded in crowding

them with significance and beauty, a moral grandeur of which no capitalist exploiter could rob me, which gave me strength to sing defiantly in adversity and which now left me tranquil in the face of possible death.

I was still sitting on the log by the railroad shed. The sun was setting when a Negro cropper, riding furiously on a horse, came roaring into the station enclosure. Seeing me, he bulged his eyes in amazement and cried out: "They're coming, they're coming."

"Who's coming," I asked smiling.

"Why you blasted fool, the lynchers are coming after you."

"So what am I to do, would you like me to hide under your bed?"

He looked at me as if I were mad and rode off shaking his head in great disapproval.

I never felt so sane in my life.

The train finally rumbled in and I boarded it with a feeling of immense relief. The snapping of the tension under which I labored brought me into a state of happy lunacy. For, as I was hoisting myself into the car, I broke into that absurd stuttering war song, popular among our soldiers during the World War: "K-k-k-katie, beautiful Katie."

My jolly mood, unfortunately did not last very long.

For no sooner had I stepped into the coach when I was transfixed by 40 pairs of white eyes. I was the only Negro on the train.

Soviet Justice

(Continued from Page 6)

—is punishable with the full severity of the law as the most grievous offense.

The courts are entrusted with the supervision of the strict observance of these laws. And the Supreme Court of the U.S.S.R. is charged with the responsibility of supervision of the work of every judicial body in the coun-

try while the State Attorney is charged in Article 113 with "*highest supervision over the strict execution of the laws by all People's Commissariats and institutions under them, as well as by individual persons holding official posts and by citizens of the U.S.S.R.*"

All judges are independent and subject only to the law. This is provided for by the Constitution so that judges in each separate case have the right and duty to decide according to their convictions, with strict regard to the facts in the case and to the law.

Article 111 provides:

In all courts of the U.S.S.R. cases are heard in public, unless otherwise provided for by law, and the accused is guaranteed the right of defense.

Finally the constitution sets forth still another point of tremendous importance, which is associated with the requirement that the courts shall be PEOPLE'S COURTS in the fullest sense. This is the provision that all cases must be heard openly in all courts. Here once more is an opportunity for the people to exercise their right to control the administration of justice in the courts elected by them, together with the best guarantee that justice will be done. Only in instances specifically provided for by law are exceptions permitted to this rule.

Thus Chapter Nine of the new constitution defines the tasks of the judicial apparatus as part of the whole state apparatus. The most fundamental, the most important of these tasks—from which all others arise and to which they are subordinate—is the consolidation and strengthening of the socialist system of economic and socialist property, which according to Article 4 constitutes the economic foundation of the U.S.S.R.

This is the basis, and the only basis, on which the institution of the government of the U.S.S.R. and the basic rights of its citizens as proclaimed by the new constitution can firmly rest.

VOICES FROM PRISON

Biographical Notes on Two Young Prisoners

Two young people, one a boy of eighteen, and the other a slight girl of twenty-two, earnestly believed in the importance of discussing the problems of war on a day devoted to that purpose in many parts of the world. They felt that these problems should be discussed publicly in so highly industrialized a town as McKeesport, and thought that it was hopeless to expect any cooperation from Mayor Lysle, who had proved himself an enemy of labor and liberal causes. Their wisdom in deciding to speak without a permit is certainly questionable, but not their pacific intentions. Although there were over seventy official and voluntary guards at the intersection where they spoke, only two people were arrested at that place in addition to the speakers, in a crowd which the police estimated at no less than five

thousand. One of these two was the distracted mother of George Alexander, and the other was a friend of hers, Goust Safos, who tried to persuade her that her boy was in no danger. They were tried, convicted and sentenced on charges of "riot" and "inciting" to riot.

George Alexander came as a little tot to McKeesport with his parents from Greece. He has spent practically the whole of his life there, and received his education in its public schools. He was graduated from McKeesport High School last June, and was a good student during his attendance there. It was in the history and civics classes of his school that he first had his interest aroused in the problems of war and its prevention, and engaged in frequent debates. His interest in the matter was, therefore, that of a serious student.

Young Alexander was never arrested prior to his arrest in this case. He had a very good reputation, and was considered very well behaved. He has worked part time whenever employment was available because he is now the sole support of his mother and younger brother.

Alexander was arrested once since the trial in this case, and that arrest shows the strength of his convictions. He was posting up notices of a meeting of the Amalgamated Association of Iron, Steel and Tin Workers. Although there is an ordinance in McKeesport prohibiting this practice, it was rarely enforced. But since this was a notice of a labor union meeting, it wasn't tolerated and he was fined twenty-five dollars.

As a result of his conviction for rioting and inciting to riot, a most unfortunate situation has arisen, one which makes executive clemency particularly urgent. Deportation proceedings have been instituted against him as an undesirable alien.

That he is an alien is no fault of his own. His father neglected to become naturalized and he, himself, has not yet reached the age when he can become naturalized. He is now only twenty years old.

Carolyn Hart comes from a family of Dunkards that has lived in Pennsylvania for eight generations. In addition to farmers, this family has produced soldiers, professional men and workers. They have never before been charged with crime, because their well-known strength of conviction is second to their law-abiding, peace-loving habits.

Both of these characteristics are combined in Carolyn Hart who is highly thought of in her community. She was educated in the public schools of East McKeesport and Turtle Creek, and was entering a promising womanhood.

Her "crime" was in taking literally the right of free speech. A single statement as to this right was all she was able to make before she was gagged. If the right of free speech means anything, it means that one is held responsible for the statements he makes *after* he makes them, except in those cases where violence is imminently threatened. But that is not the theory on which the McKeesport police operated. They were given explicit orders to *prevent* any speaking and demonstration, and were provided beforehand with tear gas bombs to carry out these orders. That indicates clearly that this great show of force was not prepared to forestall any anticipated violence; there is nothing in the Commonwealth's testimony to show that violence was anticipated. All the evidence shows that Miss Hart and the others came with no preparations whatever to cause a disturbance—no weapons, no cohorts, not even a friend to bail them out after their arrest.

The bias of the trial judge is shown in sentencing Miss Hart to the State Industrial Home for Women in Muncy, which, under the conviction for riot, means confinement there for two years. But what is there in the facts of the case to warrant such harsh treatment? This was her first "offense"; no "criminal tendencies" were shown. Her "crime" was one that falls definitely in the classification of political offenses. But that is not all. The judge also imposed on her a suspended sentence for inciting to riot, which means, in effect, a parole for life.

From Haywood Patterson

Thank you for the regular monthly allowance. You know I keep thinking and thinking and worrying all the time till I am almost weary—as if my very soul is being crucified. I never dreamed that I would have to grow up in jail. Of course, when I start brooding too much I think of what all the people in the North are doing for us and that helps me in my bitter moods. For always there remains at the root of my heart the hope that some day I will win out.

I remain hopefully,
HAYWOOD PATTERSON

Kisses from the Kids

We are all pretty good but hope you all are better than that. In addition to daddy being arrested again on the same charge, three of us are home from school and sick with tonsillitis.

We are all glad to hear from you and certainly appreciate the increased relief. It came in right handy this month for the medicine and food. That's about the only help we get is from you and you never forget about us.

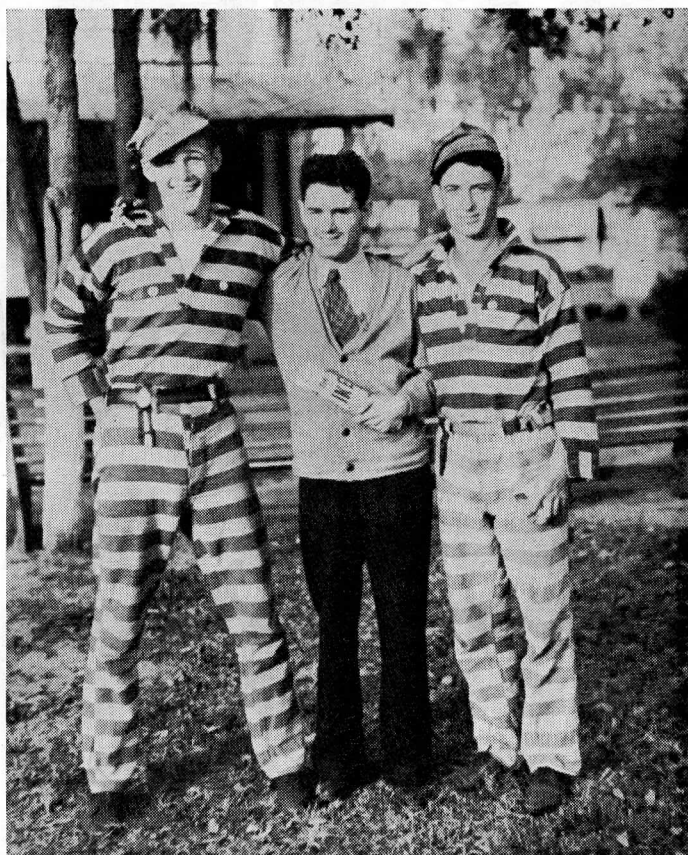
KANTORSKI FAMILY
(Marble strikers in Vermont)XXXX

From George Alexander's mother

We are very pleased with the help you sent us. George says he is getting along fine. We send you our thanks and greetings to the I.L.D. and all other political prisoners.

LENA ALEXANDER

P. S. We are not using the addressed envelope you sent us because George is a stamp collector and John, his brother is saving stamps for him and this happened to be a stamp he needed.



"Jerry and Marty" seamen, with their arms around Albert Simmons, Florida State Secretary of the I.L.D. They got 60 days on a Florida chain gang for picketing during the recent east coast maritime strike. The smiles are for the I.L.D. Read their letter below.

From 2 seamen on the chain-gang

Hillsboro County Road Dept.
Six Mile Creek, Florida.

TO WHOM IT MAY CONCERN
TO THE I.L.D.

Dear Friends of Cigar Factories:

Just a few lines to let you know that we "Jerry & Marty" and all the class of seamen here on strike do wish you all a happy new year. We also wish to say that we do appreciate all that you have done to help us toward winning our strike.

We know from experience by travelling this world over how the I.L.D. has helped in foreign countries and in our own United States in the troubles of our labor disputes.

They have helped us more than once. We

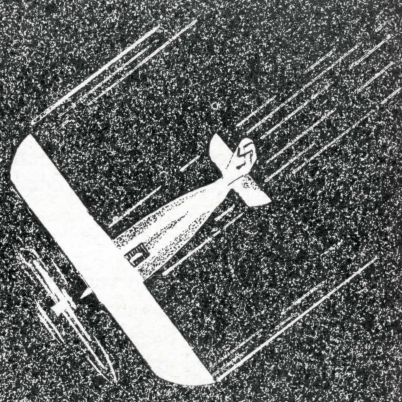
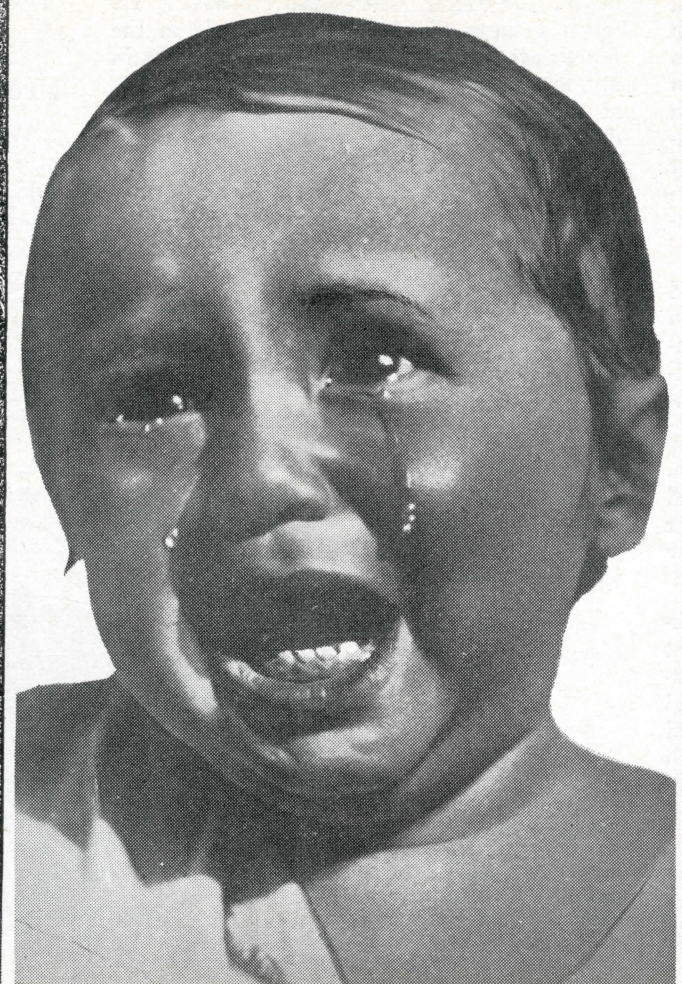
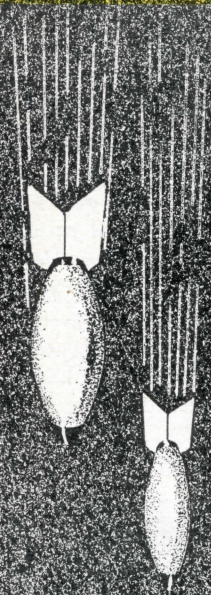
do wish all of the cigar workers and their friends would get together and help Mr. Lorenzo Puentes in his hour of need. Think of him as your own son.

Think of how he has worked to make a home for his wife and kiddies. The I.L.D. is trying to do all they can to help him. Please lend them a helping hand.

We are all being taken care of. The boys and girls have been out to see us often and we have plenty of smoking tobacco and all we need for our personal use. Nothing which is a luxury but things we need, soap and reading, etc.

Thanks a million to all our true friends.
JERRY & MARTY
Rank and File Seamen

DON'T LET THEM DIE



MILK

YOUR DOLLAR

WILL:

Furnish a Spanish Child with milk for 14 days; Insure the health of at least one child victim of Hitler and Mussolini in Spain.

Cry thousands of Spanish Mothers

ONE MILLION CANS OF MILK— FOR 1,000,000 SPANISH BABIES

Is This Asking Too Much?
We know that it isn't. While Hitler and Mussolini spend billions to kill them, surely the least you can do for the children of Spain is to pin a dollar bill to this coupon and mail it without any delay.

HELP THEM NOW!

Rush Your Donation To-Day
UNITED YOUTH COMMITTEE TO AID SPANISH DEMOCRACY
381 Fourth Ave. (Room 212) New York City.
Here is my donation to help the children of Spain.

NAME
ADDRESS
\$.....

YOUR DELAY

WILL:

Slow up the relief work here. Permanently blight the health of at least one Spanish child survivor of the German-Italian horror in Spain.

