

*Special
Scottsboro
Issue*

APRIL 1937

Price 10c

LABOR DEFENDER



ANDRE
MALRAUX



ROY
WILKINS



VITO
MARCANTONIO



BEN
DAVIS, Jr.



DAVID
LEVINSON



CHESTER
ARTHUR



IRVIN
GOODMAN



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ALMANAC

1562



1562—Importation of Negro slaves from Africa to the New World begun by English traders.

1664—First insurrection by Negro slaves and white bondmen attempted in Virginia.



1712

1712—First effective uprising of Negro slaves in America begun in New York. Ruthlessly crushed. Thirteen uprisings in eight different states are recorded between this date and 1800.

1775—First Abolition Society established in America to work for the freedom of the Negro slaves.

1791—Under the brilliant leadership of Toussaint L'Ouverture, the slaves of Haiti revolt and win their independence.

1800—Gabriel of Virginia led a revolt at the head of an organized army of 1000 slaves. Plan betrayed. Gabriel executed.

1813—A little slave girl is born in Maryland. She grew up to be Harriet Tubman, the Moses of her oppressed people, who led hundreds of them out of bondage, helped win the Civil War, and became one of the greatest heroines this country ever produced.

1817—Frederick Douglass, one of the greatest leaders of the Negro people, is born a slave in Maryland.

1822—Revolt organized by Denmark Vesey, a freed slave. Carefully planned, fighters well recruited in extensive area around Charleston, N. C. Plan betrayed. Fifty tried. Vesey conducted heroic self-defense. He and 34 others were executed. They died proudly defending their right to liberty and refusing to betray their comrades.



1831

1831—Greatest of the Negro slave rebellions organized and led by Nat Turner of Virginia. Local militia and United States troops called out to defeat heroic defenders of Liberty. Fifty-three leaders tried. Twenty, including NAT TURNER, and one woman, hanged.

1831—William Lloyd Garrison begins publication of the LIBERATOR in Boston.



1831

1833—First national anti-slavery Convention held in Philadelphia. Ten states represented.

1848—First International Congress for the abolition of slavery held in London, England. American delegates included William Lloyd Garrison, and Mrs. Lucretia Mott, a Quaker lady of Philadelphia who was one of the pioneers of the Abolitionist movement.

1857—United States Supreme Court hands down the Dred Scott Decision. It declares that Dred Scott, born a slave, was not a citizen of any state, and therefore not entitled to any standing in the courts; that Congress had no power to prohibit a citizen of any state from carrying into any territory slaves or any other property; that Congress had no power to interfere with the constitutional protection to such property.



1859

1859—John Brown's heroic war for freedom crushed at Harpers Ferry. John Brown executed for treason—a martyr to the cause of justice and liberty—but "his soul went marching on!"

1863—President Lincoln issues the EMANCIPATION PROCLAMATION freeing all the Negro slaves.

1906—Most serious of a series of brutal attacks on the Negro people occurs in Atlanta, Georgia. Street cars stopped, Negro passengers dragged out and cruelly beaten.



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1908—Springfield, Illinois—birthplace of Abraham Lincoln—scene of murderous attack on Negro people. Five thousand troops finally called to halt lynch rioting. Two Negroes lynched, four whites shot, seventy-nine injured



1919

1919—So-called "great race riots of Chicago." Spark which set off smouldering ashes—drowning of Negro boy off Jim Crow bathing beach. One thousand left homeless by marauding mobs, five hundred thirty-seven seriously injured, thirty-eight killed.

1931—The shame of America. The beginning of the Scottsboro case.

1935—The United States Supreme Court hands down its historic decision in the Scottsboro case declaring that Negroes have been systematically denied their rights under the 13th, 14th and 15th amendments to our constitution.

1935—March 19—the pent up indignation of the people of Harlem against police brutality, discrimination and denial of civil liberties flames into open, public protest on the streets of Harlem.

1936—National Negro Congress founded. "NOW IS THE TIME TO CLOSE RANKS FOR FREEDOM AND EQUALITY. LET US UNITE THE NEGRO ORGANIZATIONS AND THE FRIENDS OF NEGRO FREEDOM ON A PROGRAM FOR SECURITY AND MANHOOD RIGHTS FOR THE NEGROES OF AMERICA."



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LABOR DEFENDER

Published monthly by the

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We Dedicate This Issue

April, 1937 marks the sixth year of the shame of America, the infamous frame-up of nine innocent Negro children in Scottsboro, Alabama.

During these six years their innocence has been proven to the whole world. And still, the state of Alabama, holds them hostages, prisoners, threatened with death in the electric chair.

This issue of the LABOR DEFENDER is dedicated to the defense of the Scottsboro boys, and the struggle for their lives which will continue unabated until they are free.

It is dedicated to the battle for defense of Negro rights of which Scottsboro has become the spearhead—to the fight against lynching, against Jim Crow discrimination, against the wanton disregard for the Constitutional guarantees given to the 15,000,000 Negro citizens of America.

No More Delays!

The senate of the State of California, true to its reactionary history, voted continued imprisonment for Tom Mooney and Warren K. Billings by a vote of 35 to 5. The lower house had passed a bill for legislative pardon for labor's champions by a considerable majority—but the Senate—among whose august numbers is ex-Warden Holohan of San Quentin, defeated the measure.

The International Labor Defense calls on all organizations to lend their aid to this final chapter in the fight for Mooney's freedom. Bombard the governor of California with demands for the immediate unconditional release of Tom Mooney and Warren K. Billings. Bombard the state Supreme Court of California at Sacramento with demands that they speed up their long delayed action on Mooney's application for a writ of habeas corpus. That action was begun almost two years ago. Mooney's innocence has been an accepted fact by all right thinking people for the last twenty-one years. No more delays—free Tom Mooney.

More Medical Aid To Spain

By the time you read this page, the ambulance sent to the defenders of democracy in Spain by the International Labor Defense will have reached its destination. It will have taken its place on the front bringing aid and relief to the wounded.

With that task completed, the I.L.D. has now undertaken a new responsibility to our brothers and sisters in Spain. Andre Malraux has brought us the message that X-ray plates and anæsthetics are vitally needed in Spain. His article in this issue describes the heart rending conditions under which the wounds

of the heroic fighters are treated. We want to send the biggest shipment yet of medical aid to Spain in the shortest possible time. We want to send them the X-ray plates and the anæsthetics they ask for. We are sure that every reader of the LABOR DEFENDER has already contributed generously to the cause of Spanish democracy. But the need for aid grows daily with the increased ferocity of the fascist attack. We must continue to help them. We must continue to give—as long as they need it.



A poster issued by the Catalanian I.L.D. calling for aid to the Spanish victims of fascism.



They need your support. They need medical aid. Those not yet wounded must leave the front to help the stricken—because the ambulance service is still inadequate.

Their Honors Sit Down

As this issue goes to press the United States Supreme Court sit-down strike in the Herndon case has not yet ended. The nine old men have lumped this case with the National Labor Relations Board cases now awaiting their verdict. Should their verdict against Angelo Herndon be unfavorable, we are certain that all friends of the Herndon case stand ready to step in at a moment's notice to take up the battle for his life. Should it be favorable we are equally certain that they will all join with us in celebrating one of the greatest victories for the whole American labor movement in recent years.

The Only Country In The World

FACTS ABOUT LYNCHING

There have been 5,105 lynchings in the United States since 1882.

Ninety-nine women have been lynched.

From 1919 to 1936 inclusive, 25 persons were roasted alive and 20 more bodies were burned after the victims were lynched.

Since 1889, 749 white people and 3,020 Negroes have been lynched.

Only one-sixth of the victims have even been accused of any sort of sex crime.

Approximately 200 victims have been proved to be innocent after they were lynched.

In only eight-tenths of one per cent of the cases has prosecution resulted in conviction of the lynchers.

America is the only nation in the world where lynching is tolerated.

Protest Brazilian Outrage

Luis Carlos Prestes, Arthur Ewart and hundreds of political prisoners in Brazil are still on trial before the fascist Special Tribunal set up by dictator Vargas. David Levinson, militant I.L.D. attorney has just returned from that prison land. His story speaks for itself and cries out for a vigorous campaign of protest. Vargas must be made to feel the indignation of the American people at the outrages against liberty and justice he is committing daily. American public opinion carries great weight with fascist dictators. Send your protest to Rio de Janeiro today.

Famous Last Words

I John Brown am now quite certain that the crimes of this guilty land; will never be purged away; but with Blood. I had as I now think: rather flattered myself that it could be done without very much blood shed; it might be done.—(Last words—before he was hanged.)

SWEET LAND OF LIBERTY!

A brilliant survey of the struggle against lynching, by one who has done outstanding service to his people and to the cause of liberty and justice.

By ROY WILKINS

When the National Association for the Advancement of Colored People began operations in 1909, there was no other organization, either of white or colored people, or both together, functioning on a national scale in defense of the rights of Negro Americans.

Curiously enough, the NAACP was the outgrowth of an idea originating with a white Kentuckian, the late William English Walling. Mr. Walling, in 1908, visited Springfield, Ill., just after the terrible race riots in that city of Abraham Lincoln, and wrote a piece for *The Independent*. Said he:

"Either the spirit of the abolitionists, of Lincoln and Lovejoy must be revived and we must come to treat the Negro on a plane of absolute political and social equality, or Vardaman and Tillman (southern Negro-hating senators) will soon have transferred the race war to the North. . . . Yet who realizes the seriousness of the situation, and what large and powerful body of citizens is ready to come to their aid?"

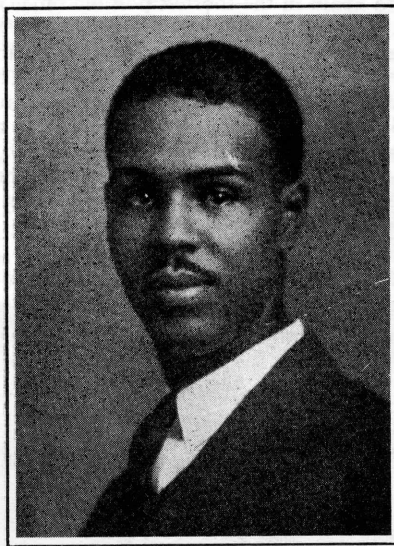
As a result of that article, Mr. Walling met with Miss Mary White Ovington and the late Dr. Henry Moskowitz in New York, and the NAACP was born.

From the first it was interracial, the original call being signed by fifty well-known white and Negro citizens. From the first, also, it was a legal defense and anti-lynching organization. The crying need of the day for the Negro was some measure of physical security. Negroes were insulted, beaten, shot, strung up, and burned alive with impunity. Scarcely a voice was raised in protest. Few newspapers, except those with an abolitionist tradition, uttered a word about Negro citizenship rights.

It was natural, in this atmosphere, that the NAACP should take on, at the outset, legal defense and anti-mob work. In legal cases alone, between 1910 and March, 1931, the association spent a total of \$96,618, the comparatively low figure being due to donations of services and advice by individual lawyers and legal firms. During the same period the association spent on anti-lynching work alone, \$65,000.

The NAACP has carried eight cases to the United States Supreme Court and has won all eight. The very first one, taken up in 1915, was on the all-important matter of suffrage. It challenged the infamous "Grandfather clauses" then popular in state constitutions. These clauses stated, in varying language, that persons could vote whose grandfathers were not barred from voting prior to 1860. Of course, few, if any Negroes voted prior to 1860 and so the race was effectively disfranchised. The high court upheld the NAACP brief and thus at least one method of disfranchisement was outlawed.

Next in chronological order was the unanimous decision of the Supreme Court outlawing a city ordinance passed in Louis-



Roy Wilkins. Mr. Wilkins is assistant national secretary of the N.A.A.C.P. and also the editor of its magazine the CRISIS.

ville, Ky., prescribing sections in which Negroes might and might not live. This opinion was reaffirmed in 1927 in the case of a similar New Orleans, La., ordinance.

In 1923, in *Moore v. Dempsey*, the Supreme Court handed down its famous opinion in which it virtually reversed its decision in the Leo Frank case. The case arose in Arkansas in 1919 when Negro sharecroppers sought to form an organization to secure better prices and fairer cotton marketing methods. They were attacked as they met in a colored church and they fought back. The call of "riot" and "insurrection" was sounded, a field day on shooting defenseless Negroes was declared, and when the smoke blew away, 79 Negroes were under arrest. Twelve were "sentenced" by a citizens committee, before trial in any court, to death. The court later sentenced these twelve to death and 67 others to long prison terms. The NAACP fought the cases with a white and a Negro lawyer at a cost of about \$15,000.

Every one of the defendants, including those under death sentences, was freed after a four-year fight extending through the state courts and the U. S. Supreme Court. In its decision, the highest tribunal held that a court dominated by a mob, or mob sentiment, was not "due process of law" and it reversed the lower court and remanded the cases for new trial.

A Texas state law barring Negroes from voting in the Democratic primaries, and later, an enabling act doing the same thing were declared unconstitutional by the Supreme Court in 1927 and 1932 respectively.

Returning to legal defense, the NAACP won a new trial for Jess Hollins of Oklahoma, in 1935, when the court followed the Scottsboro opinion by ruling that Oklahoma

had systematically excluded Negroes from juries. The last Supreme Court case won by the association was the appeal of three Mississippi sharecroppers, Brown, Ellington and Shields, in 1936 from their conviction by sole means of a "confession" tortured out of them by police, with the torture openly admitted by officers in court. The Supreme Court held: "the rack and torture chamber may not be substituted for the witness chair."

These major victories have been the backbone of the legal defense activities of the association, but there have been scores of other cases fought and won. These were varied in their nature: a Negro organist in 1912 won damages for exclusion from the Palisades Amusement park across the Hudson river from Manhattan; school segregation defeated in Toms River, N. J.; twelve of thirteen Negroes acquitted after a lynching and "rape scare" in Duluth, Minn.; acquittal of a colored man accused of rape by a white woman in Tennessee and a similar victory in Virginia; assisted in settlement of suit by colored Brooklyn woman for ejection from Pullman in Florida; acquittal of Dr. O. H. Sweet and family in Detroit following killing of rioter attacking their newly-purchased home; two white men convicted of murder of two Negro women in Louisiana; anti-intermarriage bills defeated in several state legislatures; 24th infantrymen, imprisoned for the Houston affair, freed on parole; agitation against the film, "Birth of a Nation" as a slander against Negroes and a fomentor of race hatred; and numerous extradition cases.

Side by side with the legal defense work, the NAACP carried on its anti-lynching campaigns. It held the first great public mass meeting against lynching in Carnegie Hall, New York, in 1919, with Charles Evans Hughes, the present chief justice of the Supreme Court, as one of the principal speakers. It published the first statistical study of lynching: "Thirty Years of Lynching, 1889-1918," and has issued supplements annually to this booklet. Walter White, present NAACP secretary, who joined the staff in 1918 as assistant secretary, has personally investigated 41 lynchings and eight race riots, narrowly escaping with his life in the Arkansas sharecropper trouble in 1919.

An anti-lynching parade in which 15,000 persons marched was staged down Fifth



Cover of one of America's own fascist publications THE WHITE KNIGHT.

THE PELLEY PUBLISHERS
 Box 1776 ASHEVILLE, N. C.
 Vol. H OCTOBER 7, 1936. No. 21

NIGGER, GET YO' WHITE GALL!

In plain English, the Jews would use the negroes to execute wholesale defilement of Christian white women, and thus destroy the goy's racial stock.

If you think this claim balderdash, check with observant white people in Manhattan.
 Negroes in New York, Chicago, St. Louis, and other large cities where Reds predominate, are being evilly proselyted with the doctrine that they are "just as good" as white folks, that they are entitled to social as well as political equality, and that when the revolution succeeds every buck nigger who has worked for the Communist Party shall be rewarded with his white woman.

Mrs. Roosevelt herself is particularly partial to equality with negroes and niggers socially, invites them to the White House, and visits them promiscuously in their southern institutions.
 As a gesture in racial altruism Mrs. Roosevelt's weakness for hob-nobbing with Jewesses and niggers is so

Think it over, you white Gentile parents, with lovely daughters just coming into the bloom of their maturity, WHICH DO WE CHRISTIAN NORDICS WANT MOST, RACIAL AND RELIGIOUS TOLERANCE WHILE THIS SORT OF THING GOES FORWARD, OR CHRISTIAN WHITE WOMEN PUNISHED FOR RESISTING RAPE OF RED NEGRO REVOLUTIONISTS?

First the Jews—now the Negroes—any minority group is fair game for the fascists, as is shown by this editorial which appeared in the Oct. 7th issue of Pelley's Weekly, purportedly published in Asheville, N. C., but circulated in Washington, Silvershirt "concentration point."

One sample of lynch inciting literature

avenue, New York, in 1921. Placards and pickets on lynching marched up and down busy London streets with a message from the NAACP on America's favorite pastime. Literature, pictures and protests were sent to all countries of the world.

Behind an aroused public sentiment the association pressed for passage of the Dyer federal anti-lynching bill in 1922 and won in the House, by a vote of about 2 to 1. The bill was filibustered to death in the Republican senate, however.

Although the fight against lynching never ceased, it was not until the wave of lynchings in 1933 that a new effort was made for passage of a federal anti-lynching bill. The Wagner-Costigan bill came into being in January, 1934, and after ups and downs, including a committee hearing broadcast over nation-wide radio networks, was filibustered off the calendar by a Democratic senate in the spring of 1935.

The effect of all the years of agitation and education upon the lynching evil was beginning to tell, however. Besides, there were now new allies in the fight. Public opinion was changing. An increasing minority of white southerners was calling for a federal law.

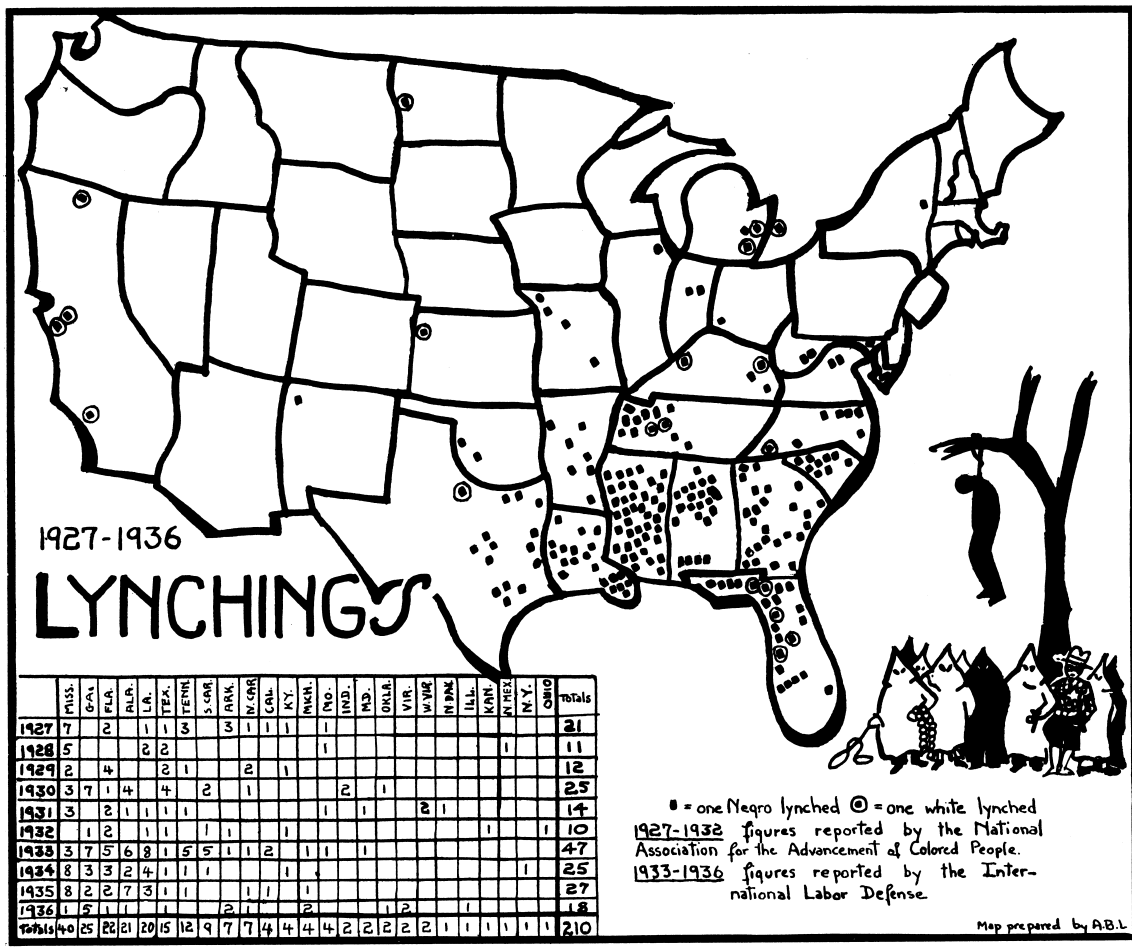
So that the situation today, in the 75th congress, is that the Wagner-Van Nuys anti-lynching bill has about the best chance of passing of any anti-lynching bill in history. This does not say it is sure to pass (who can tell what congress is sure to do?) but it has a good chance, if you give it your support.

Because of the declared hostility of Rep. Hatton Summers (Texas), chairman of the House judiciary committee, to the holding of hearings and the reporting out of any anti-lynching bill, a resolution was introduced by Rep. Joseph A. Gavagan (N. Y.) asking the rules committee to make his anti-lynching

bill a special order of business. Mr. Gavagan then placed a petition on the Speaker's desk calling for the discharge of the rules committee from consideration of his resolution calling for a special order on anti-lynching legislation. This petition requires 218 signatures and to date has about 115. If and when the petition is signed, the bill will come to the floor for limited debate and vote. When that is done the supporters of this legislation will attempt to collect on the pre-election promises of more than 250 congressmen who indicated in one way or another that they were not hostile to this type of bill.

Far from being over, the fight against lynching and the fights for legal defense of Negro citizens are little more than beginning. There is much to be done. Just as newer, smoother methods are replacing the crude lynchings of yesterday, so are more subtle methods in vogue to deny Negroes "equal justice before the law." Tricky legislation must be watched and attacks of legislators and the courts themselves upon basic rights must be challenged. As bitter as has been the battle for some of the civil and political rights of Negroes, it bids fair to be child's play compared to the struggles which are bound to come for basic economic equality.

In the coming struggle for equality and security all forces will be needed. Most thoughtful Negroes have come to realize that their fight for salvation, while necessary to relieve intolerable situations of the moment, must be joined with others in behalf of all persons who are oppressed, intimidated, and robbed if we are to have in truth a governmental system where equality of opportunity and security shall be realities rather than pen scratches on parchment.



Left: A map of the United States showing where lynchings occurred during the last nine years. The table shows the number by states. Below: Insignia of one of America's own fascist groups. There are hundreds.





A home in Madrid and its occupants—after a fascist air raid.

The DESTINY of the WORLD

One of the greatest living writers, a hero who has dedicated his life to the fight against fascism, an ace aviator who flew for democratic Spain for seven months—tells you what is happening in Spain today.

By **ANDRE MALRAUX**

It's not so easy as one might think to picture war. So far from easy that often those who discover it can't stand it. Many scenes of the bombardment of Madrid have been filmed. When one of these films, a montage of documentary pictures, was presented in France, the audience found itself witnessing this scene: A block of houses has just been demolished by bombs from fascist planes. The first aid service is seen excavating one by one objects of all sorts from the debris—pulling out a chair by its back, a piece of table by its leg—passing them along a line from hand to hand. Soon there comes a small package which they hold by the middle. Behind them, last in the receiving line, is a woman who takes the small burden with the terrifying century-old gesture of motherhood; she takes it and presses it in her arms. It is a child. But the head which rests on her left arm does not hold up. It falls back with its eyes closed in full view of the camera with the unsought-for effect of a close-up; the child is dead.

I remember the night of Carabanchel. Since the Talavera battle the Moors had not

(From a speech delivered in New York City at a banquet which raised \$24,000 for Spain.)

been repulsed a single time; they were now at the very gates. The wind was blowing from the direction of Madrid toward Carabanchel. Deepest silence broken only by the hushed sounds of peasants moving in compact masses towards the Puerto del Sol and trucks, loaded with young people most meagerly armed, barely armed at all, who were moving up to the front lines.

The Spanish Alliance of Antifascist Writers, organized three months before the insurrection, had received its parting orders. I was walking in the opposite direction of the crowd with the President of the Alliance, Jose Bergamin and its Secretary, Maria Teresa Leon. They had decided to remain, come what might. A delegate of the Ministry of Public Education had come to tell them this: "*The liberation of Spain is not a question of geography; whosoever can still help Spain must help her wherever he be—at Valencia or elsewhere—and not remain here to be killed.*" And Bergamin pointed to the masses of the people who were going down toward the center of Madrid in the night and said to me: "*When a writer has defended those people before the war, no reason of a practical nature can allow him to let them*

die without his standing by them where the greatest danger exists." We walked together for more than an hour before I went back to the aviation field and then we separated—both of us thinking that it was without a doubt for the last time. The siege began that very night. But Madrid is not yet taken, and so many men are determined to remain there or to die.

War nights are full of madmen and of heroes. A little while before meeting Bergamin I had been following a man in the streets of Madrid who was trundling a scroll-like manuscript as long as he was tall. One rarely writes on paper of such large format and such a tremendous manuscript was bound to interest any writer. I stopped the passer-by. "What on earth is this manuscript you have?" "It's not a manuscript," he answered gently, "I'm just changing the paper in my apartment."

It is, of course, the right of every writer to change the paper in his apartment during nights when perhaps the destiny of the world is being changed. Doubtless his books will for all that be neither better nor worse. But it were better that he remember that the respect which surrounds writers in this world comes more from those who for centuries have entered the fray rather than from those who have remained on the side-lines.

At this hour when so many apartments in this world are having their paper changed in vain, I thank you who are supporting the defenders of democracy in Spain in the name of the Spanish people who each one in his own domain, are putting to the acid test of action their beliefs; I thank you for helping make it possible to white-wash the walls of the wretched hovels of Spanish peasants, which means making it possible to cleanse away the fresh traces of blood.

You are all familiar with the critical battle of Valley Forge in the American Revolution and the turning point in the Civil War, the battle of Gettysburg; and certain of you remember the time when Soviet Russia consisted of no more territory than the former Moscovite duchy. The generals conquered everywhere. In two years of the civil war in that vast land the Russian people hadn't carried away a single military victory, and yet it is the Russian peasants who today live peacefully in Siberia. But Kolchak encountered more than an enemy army against him; he was faced with the organization of the Russian peasants in revolt. Kolchak had promised land to the peasants as he had also promised it to his underwriters, the landlords. At harvest time he had to choose. Generals never choose the peasants. Franco has promised land to the peasants and to the

Spanish I.L.D. members administer first aid in Madrid.



landlords who are paying him. Harvest time in Spain comes in the month of July.

When a man is wounded in the leg, it is essential that it is immediately X-rayed. Unless the leg is set after X-ray, the limb almost always heals badly—twisted, shorter, crippled. When I left Valencia there was not a single X-ray plate available.

When a man receives bullet wounds in the arm (machine-gun wounds generally consist of four bullet-holes) his wounds are treated by having a gauze dressing passed through each wound. With anaesthetics this is of no import. Without anaesthetics, the wound must be slowly re-opened each day; the man literally re-wounded daily. When I left there were practically no anaesthetics. The terrible thing *now* is not being wounded; the terrible thing is being *treated* for one's wounds.

I saw the first American ambulances of the Medical Bureau in Spain. They are admirably equipped. We must not wait until that which is unorganized becomes fit for action; we must not wait until the Red Cross, which has done nothing for seven months for us, may begin to function as a Medical Aid organization. In the seven months that I spent under fire in Spain I saw one Red Cross ambulance. It was behind fascist lines.

At the moment when the Estramaduran peasants are attacking Toledo, at the moment when the beaten Italian army is abandoning the Aragon road, the State Department of the United States has withdrawn the prohibition against lending medical aid to Spain. I was at the hospital in Valencia the day that the first American ambulances arrived and I heard the whirr of their motors drown out the moans of the wounded. It is good that the American people are accepting their share of responsibility. It is good that they



(Photo: P. Aprayeuski)

Our I.L.D. ambulance and (from left to right) Dr. Gonzales, noted Spanish theologian, Louis Fischer, NATION correspondent, Andre Malraux, Anna Damon and Rose Baron

have contributed in raising the swelling voice in the United States, in the joyous cries of first victories, so that this swelling tide of democratic voices becomes the roar from the other side of an ocean to muffle the dreadful sound of human suffering.

The desire of all was to reach the Almeria road and a region free from fascism. This desire soon led them to tragedy. The road which they thought to be a road to liberty became one swept by the guns of the warships of the Spanish fascists, of the Italians and the Germans. Aeroplanes dropped bombs in quantities and machinegunned the defenseless crowd.

Thus a mad race began. First the fugitives abandoned on the road the few possessions which they had brought with them in their haste. Corpses heaped up on the road. Amid the thunderous uproar of shells and bombs, panting, with feet cut, the crowd advanced, many covered with blood. Many, unable to advance, strangled their children to prevent their falling into the hands of the fascists, then throwing themselves beneath the wheels of the cars and lorries crushed themselves against the ground. Children who had lost their fathers and mothers ran crying until they fell to the ground where they died crushed by the crowd.

And thus they continued for 70 miles until Motril, harrassed and panic-stricken, without eating or drinking, with the tanks and armoured cars of the fascist advance-guard on their heels, mowing them down as they went.

In Motril, there was no rest. The crowd moaned, cried. Many lay in the roads despairing, inanimate. Once again, the heart-rending cry "*The fascists are coming!*" Hell itself cannot know the torment of this crowd forced to take flight a second time in their fear and horror of fascism.

The first stage was in terror; the second in deep bitterness. They could no longer run, but dragged themselves on, leaving on the road the traces of the blood that was dripping from their feet and from their knees. Every-one continued as best he could, urged



Refugees from fascism on the road from Malaga.

The BLOODY ROAD From MALAGA

Valencia.—The Minister of Justice, one of the three Ministers delegated by the Government to report on the situation at Almeria, has published the following report:

The evacuation of Malaga began when the civil population learned of the difficult situation on the fronts. But nobody thought that the voluntary exodus would take on the proportions of a human cataclysm which has been hitherto unknown in European history.

An immense shudder suddenly ran through the town. As if mad, the hundred thousand inhabitants and some thousands of refugees, who came from places where fascist barbarism had left its marks of destruction, poured into the streets, crying with horror, fear and hatred. On all sides echoed curses, which showed the rage and folly seizing them. Cries of "*The fascists are coming!*" were heard.

on by an instinct more powerful than family ties . . . flight from fascism!

The fugitives arrived at Almeria, a small and poor town, which did not know what to do nor what to give to the vast crowd which continued to increase and to whom it could not give shelter. In the face of so vast an influx, Almeria found itself without beds to spare, without food, without bread, without clothing.

No refuge here. In resignation, the crowd continued to bear the curse lying on them. They made no complaints, they did not even complain when they were not relieved with the rapidity they desired. It is impossible to walk at night in Almeria without knocking against people sleeping on the pavement. After the terror, misery. A dignified working population has been converted into a mob of vagabonds by the abominable fascist fury. No one repents of having left Malaga, to avoid falling into the hands of fascism. Strong in the face of all adversity, in the face of every struggle, we become weak when faced with our brother human beings, so terribly mishandled. We feel for them a



Hans Beimler, who escaped from a Nazi concentration camp and gave his life to fight fascism in Spain.

tenderness of which we did not think that our hearts were capable.

When the war is over, when it has ended in our victory, antifascists the whole world over will come to tread on foot the 130 miles of road from Malaga to Almeria, where the population, driven to madness by the fascist terror, lived through the most horrible of scenes, for peace and liberty in Europe, and against fascism.

The women and children of Spain are the greatest sufferers from fascist savagery. Determined to die rather than to live as slaves under fascist rule—they endure the greatest hardships voting with their feet against Franco. For the mass exodus, like that described by Spain's Minister of Justice, is a mass vote by the people of Spain.

These men, women and children deserve our unstinting support. They need medical aid. They need the warm comfort of solidarity. You can help give them both by sending your contributions through us to them.

THE CITY WITHIN A CITY

Fighting through the "hell and high water" of discrimination in New York's "city within a city," the Negro people of Harlem have many commendable victories to their credit in the field of civil rights.

First and foremost among these victories was the recent case of John McNeil, 30-year-old Negro cabinet maker, who was framed on a charge of "felonious assault" after being savagely beaten by a Harlem policeman. McNeil was clubbed into insensibility by officer Charles Brown—a Negro policeman who once attacked Mrs. Ada Wright, a Scottsboro mother—and then thrown into the path of a speeding taxi-cab. His nose was broken and he received internal injuries which may last him for life.

As one of the most shocking instances of the police brutality—which is the special lot of Harlem—the case aroused the community to a high pitch. Backed by scores of labor, progressive and Negro organizations, the United Civil Rights Committee of Harlem forced Brown to be held on charges of simple assault—the first time a policeman had been so held in a number of years. Through the collusion of the city prosecutor and the court, however, the case against Brown was whitewashed and the policeman released.

But the people of Harlem not to be denied continued their battle against the frame-up of McNeil, compelling the court to throw out the case of "felonious assault" when the Negro cabinet-maker came up for trial last month.

Still nother well-earned feather in the cap of Harlem, came about when Gustav Schoenchen, anti-Negro red-baiter, was forced out of his position as principal of Public School 5, after he had brutally attacked Robert

By **BEN DAVIS, Jr.**

Shelton, 14-year-old Negro school boy. This victory was accomplished under the leadership of the Permanent Committee for Better Schools in Harlem, in which the United Civil Rights Committee and other Harlem organizations played a large part.

The lesson of these triumphs is the realization on the part of ever-growing sections of the Negro people that it is through unity with all other progressive forces that their democratic rights are to be defended and extended.

The United Civil Rights Committee is the concrete expression of that unity in Harlem. Among its members are Negro and white religious, civic and labor leaders. There are representatives of the New York Civil Liberties Committee, the National Negro Congress, the National Association for the Advancement of Colored People, local 802, of the Musicians Union, and the International Labor Defense, whose long successful record in defending Civil Rights was the guiding strength of the group.

Organized upon the initiative of the I.L.D., the United Civil Rights Committee has charted a course which alone points the way to full civil liberties for the Negro people, namely, the unity of all those whose democratic rights are under assault from such fascists as William Randolph Hearst and the most reactionary sections of the capitalist class. The effectiveness of this united course of action on a national scale is noted in the Scottsboro Defense Committee, and the tremendously broad movement for the freedom of Angelo Herndon.

It has been frequently said: "As Harlem goes, so goes Negro America." Justification for this saying lies in the fact that the Negro people in Harlem are confronted with the same system of national oppression which reaches its crudest expression in the South. If in the South there are lynchings, in Harlem Negroes are shot down by policemen who go scot free of any sort of punishment. While segregation, unemployment, jim-crowism, and all the other miseries of capitalist oppression, plague the existence of Harlem's 200,000 Negroes. The task of winning civil rights for the Negro people of Harlem lies along the same path which Negro communities throughout the country must follow.

The problem of unemployment, hunger and want—the terrible scourge of every Negro community—cannot be solved unless by conducting at the same time an uncompromising fight for the civil and constitutional rights of Negroes. For it is by a denial of these human rights that capitalist reaction legalizes the oppression of a whole race of people.

Harlem has again taken the lead by the recent establishment of a Non-partisan Committee to support President Roosevelt's proposals for liberalizing the Supreme Court. This group consists of labor, religious and civic organizations.

The traditions of "March 19th," when in 1935—the Negro people spontaneously protested against starvation and discrimination, are today more alive than ever in Harlem. The I.L.D. loved and respected throughout the community is playing a magnificent role in directing those traditions through the unity of Negro and white to the full civil rights for the Negro people. In this sense Harlem's example should be followed throughout the length and breadth of America.



Hans Beimler, who escaped from a Nazi concentration camp and gave his life to fight fascism in Spain.

SCOTTSBORO JURIES

An analysis of one of the most important victories won by the International Labor Defense in behalf of the Scottsboro boys and the whole Negro people.

By ANNA DAMON

A few weeks ago the newspapers carried a story about a Seneca Indian on trial in Buffalo, New York. His name is Archie White, and the charge against him manslaughter. The details of the case are unimportant here. The significant point in the story—and this was featured in every headline—was the fact that the defense announced it would cite the “United States Supreme Court Scottsboro decision” and demand that Indians sit on the jury trying Seneca Indian Archie White.

The irony of this particular case is especially bitter. Indians—the original Americans—the people from whom this continent was stolen by Britain’s empire builders, have no rights in America today. When they look to protection from the courts and the law, they are compelled to rely on a decision forced and won through bitter struggle in behalf of another oppressed people—the Negroes.

It is fitting on this sixth “anniversary” of the Scottsboro frame-up that we examine one of the most outstanding victories won in the battle for the lives and freedom of nine innocent boys. During the five years when the International Labor Defense was in sole charge of their defense, the battle for their lives was always the first consideration. Many friends, to say nothing of our enemies, said: “Why bring in extraneous issues, why not simply defend them on the legal points involved in a ‘rape’ charge. Just prove them innocent of that charge. Leave out the politicizing.”

But long years of experience had proven to the International Labor Defense, that the most effective method for saving the lives of innocent victims of a frame-up, is to expose the underlying political reasons for the frame-up. And it was precisely the so-called “extraneous” issue of denial to Negroes of their right to sit on Alabama juries, which became the basis of the reversal which the U. S. Supreme Court was forced to grant.

In the case of the Scottsboro boys the political basis was very clear. These nine boys, one might almost say, were picked at random. None of them had ever incurred the wrath or special dissatisfaction of any particular member or section of the southern white ruling class. If they hadn’t been riding on a particular freight train on March 25, 1931 they would never have become the Scottsboro boys. They have become the clearest symbols of the bestial oppression and

lynch terror against the whole Negro people.

Their trials were classic examples of the manner in which the rights of the whole Negro people are violated and disregarded. Negroes were openly and systematically excluded from every one of the juries in the case. And it was this constitutional violation which our defense movement seized upon as one of the most vital legal points in their behalf. It was on the basis of this very constitutional violation—to say nothing of the lynch atmosphere, the improper and inadequate preparations for the first trial, etc.—that it was possible to twice appeal the case to the Supreme Court of the United States.

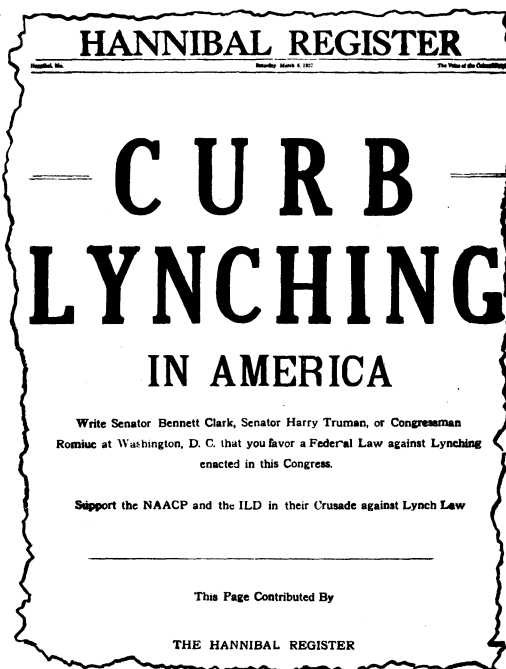
And it was on the basis of this violation of their constitutional rights that not only the lives of the boys were saved but one of the outstanding victories for the rights of the Negro people was won by the International Labor Defense. The historic decision of the Supreme Court in April 1935, which reversed the death sentences of Haywood Patterson and Clarence Norris—declared that the trials were illegal because Negroes had been systematically excluded from the juries in violation of the constitution of the United States.

Since that decision—not only Alabama—but seven other southern states have called Negroes for jury service, and Negro people have actually served on juries for the first time in the memory of man in those states.

Needless to say, the actual proportion on the basis of population of Negroes who served, is miserably small. All sorts of trickery and evasion is resorted to by the officials to prevent the exercise of this right.

Nevertheless prior to the Scottsboro decision, there were only a score of isolated cases in the North, most of these in Washington, D. C., where Negroes had ever been called and served on juries.

Today such “Scottsboro” juries—as the officials and the newspapers themselves choose to call them—are an accomplished fact. Of course, there are still many obstacles and drawbacks to the full exercise of what should be basic privilege in any democracy. There are all sorts of property qualifications, educational requirements, tax payment records, which the vast majority of the disfranchised Negro people in the Black Belt of the south cannot meet. It is on the basis of these same requirements that they are deprived of their right to vote.



Front page of one of Mississippi's leading Negro newspapers.

But even those who fulfilled all the necessary requirements had been deprived of their rights throughout the South before the Scottsboro decision.

It can safely be said that this decision takes its place beside the Dred Scott decision of 1857 in the history of the Negro people. That decision, passed in the hey day of slavery, stated that Negro slaves were property, had no rights, and could be taken by their owners to any part of the country with the same freedom as any form of property could be transferred.

The Scottsboro decision declared, that the Negro people were free citizens and entitled to the rights and privileges granted under the constitution.

That this was no paper decision can be seen from the facts—in 14 counties of Virginia Negroes have been on the panels and have served on grand and petit juries; five counties in Alabama; four in Georgia; three in Tennessee—and more isolated cases in Louisiana, North Carolina, Arkansas and Oklahoma. Space does not permit the complete listing of each specific case at this time. It is also important to note that the figures cited here are based entirely on newspaper reports which do not record every case.

The Scottsboro boys are still alive. But they are not yet free. The defense is now in the able and powerful hands of a united defense committee of which the International Labor Defense is a part. The state of Alabama is still determined to put them to death, but its case has been weakened by the merciless exposure of its lying details. The prospect of new trials based on the same “evidence” still remains.

We are certain that all the friends of the Scottsboro Boys are ready at a moment's notice to rally to their support with the same enthusiasm and whole heartedness that they have shown during the last six years. The might of aroused public opinion has been proven repeatedly in the past. It forced even Hitler to release George Dimitroff, Lawrence Simpson and other anti-fascist prisoners. It has won freedom for thousands the world over. It forced two favorable decisions in the Scottsboro case alone from the United States Supreme Court. And it can and must win freedom for the nine innocent boys of Scottsboro, Alabama.

SIX LONG YEARS

From April 1931 to April 1937 in the shadow of death, nine children have grown to manhood—innocent victims of legal lynch terror.

By SASHA SMALL



The first picture ever taken of the Scottsboro Boys, immediately after their arrest at Paint Rock, Alabama, March 25, 1931.

Six years ago the International Labor Defense received a letter from a little boy. It was a very sad letter. The little boy said: "Dear ILLD, it is very lonely here, please send me a bag of peanuts."

The letter came from the Jefferson County Jail in Birmingham, Alabama and the boy's name was Roy Wright. He was thirteen years old and had just been "mercifully" saved from a death sentence in the electric chair by a lynch drunk jury in Scottsboro, Alabama. His brother Andy and seven other boys—two of them his best friends—had been sentenced to die and were already in the death house of the big prison in Kilby. But Roy was so young and so little, that even that blood thirsty crew in the jury box was forced to be "human" and declare a "mistrial."

All that happened six years ago. Today that little boy has grown to young manhood. Charlie Weems—the oldest of those boys—is now 28 years old.

And the whole world knows them as the nine innocent Scottsboro Boys. The whole world is familiar with the hideous details of the frame-up by means of which the reactionaries of the South sought to terrorize the whole Negro people into slavish submission to their rule of greed and oppression. Scottsboro has become the shame of America. It has become a by word, a tag which is attached to infamy in every corner of the world.

That little boy in Kilby prison has millions of unknown friends today. They have marched through the streets in his behalf.

They have faced guns shouting for his freedom. They have recorded his innocence in every language known to civilization.

But today at the end of six years he still sits in a cell in Jefferson County Prison. He doesn't ask for peanuts any more. His letters plead for news of what is happening in the world. His friend, Haywood Patterson, writes about Spain and how he knows the people banded together there will win against their enemies. Nine innocent boys locked up in jail, locked away from the world, from the sky.

Roy Wright, once tried, never convicted, never sentenced and still a prisoner. Five of the other boys have not been tried since that first Roman holiday in Scottsboro, Alabama six years ago. Two of them—Haywood Pat-

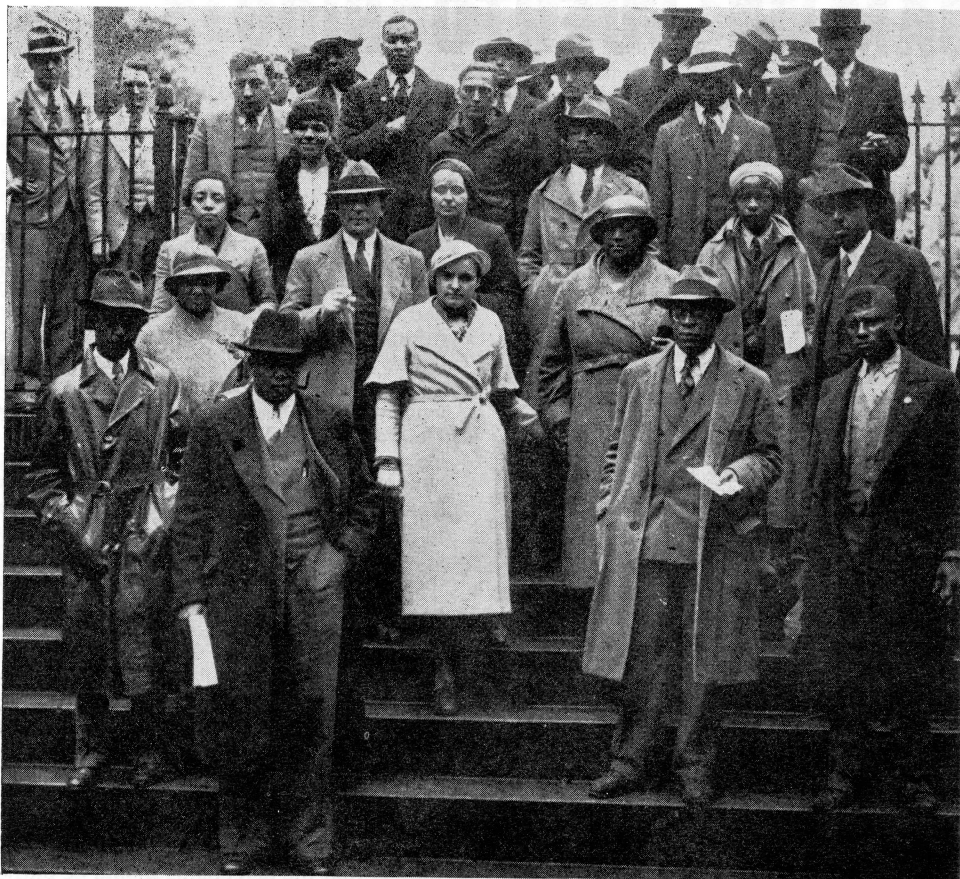
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The vanguard of the historic Scottsboro march on Washington, May 1933. In the center Ruby Bates and Mother Patterson. Front Row: James W. Ford, Wm. L. Patterson, Jas. Fitzgerald.



Above: Ozie Powell, with a deputy sheriff's bullet in his head. January 24, 1936. He was shot after the last Scottsboro trial in Decatur, Alabama.



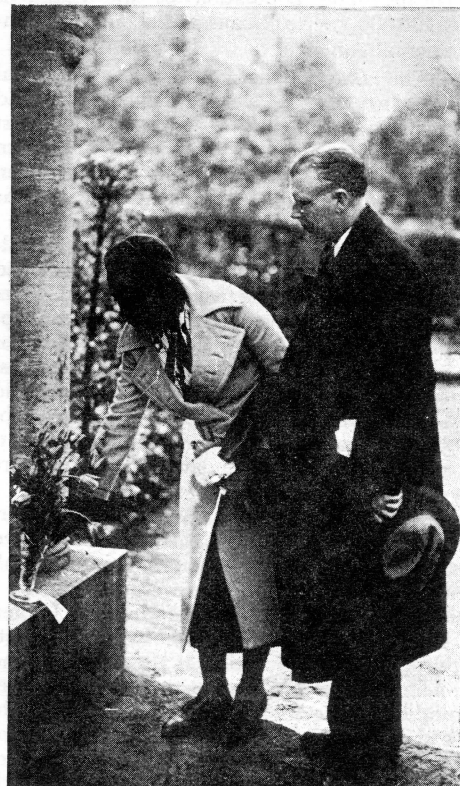
Right: Haywood Patterson in the Decatur courtroom April 1933. He received his third death sentence.

terson and Clarence Norris—have been. Haywood was tried four times. Three times on the basis of the same filthy, mouldy bag of lies spoken by Victoria Price and the officials of the state of Alabama, he was sentenced to death. At his fourth trial, a year ago last January he was given a sentence of 75 years in the penitentiary. Clarence was tried three times—twice sentenced to death and the third time left to await fate of all.

For six years the state of Alabama—with two different governors, two different sets of legislators—has held steadfastly to its determination to send nine innocent boys to their death in the electric chair. At each new

trial—won on the basis of successful appeals—the ferocity of their attack increased. First they shouted "RAPE." Then they shouted "JEW MONEY FROM NEW YORK." Then they shot Ozie Powell in the head on the high road between Decatur and Birmingham because he heroically refused to be bullied and slandered by a punch drunk deputy sheriff.

But the millions of the world, led for five years by the International Labor Defense, shouted louder—THEY SHALL NOT DIE. And even Alabama was forced to listen. Today the Scottsboro case is in the hands of a broad united front defense committee, a committee that represents every section of the liberty loving American population, a committee that was strong enough to secure the support of a number of outstanding liberals, trade unionists right in the state of Alabama to fight for justice for the Scottsboro Boys. And justice for those boys means their



Mother Ada Wright and J. Louis Engdahl, late chairman of the I.L.D. lay a wreath on the grave of Germany's victims of reaction. April 1932, during their world tour of 26 countries.

freedom. The struggle for their lives has done more than merely save them during these six long years. It has exposed to the whole world the miserable oppression of a nation of 15,000,000 people. It has uncovered their suffering. It has made public the shameful manner in which their constitutional rights as American citizens have been trampled into the dust or left hanging from the limbs of stout trees. It has forced the highest court in the land to admit that these rights won by a bitter Civil War—embodied in three amendments to our Constitution—have been nullified. It has forged the broadest unity between Negro and white, unity based on the determination that justice shall be done, that the boys shall be freed, and that the rights of the Negro people in America shall be defended and upheld.

UNCLE SAM IN PUERTO RICO

A complete exposure of Yankee imperialism's attempt to crush the movement for independence among the people of Puerto Rico. This article was written for the Labor Defender by the chief counsel for the framed leaders.

By VITO MARCANTONIO

It is not the purpose of this article to give the full story of the indictment and trial of Dr. Pedro Albizu Campos and seven other Puerto Rican nationalists. The following are simply a few glaring examples of the gross injustice practised by the government:

The defendants were tried twice. The first trial resulted in a disagreement. The charge is treason. The men are leaders of the independence movement in Puerto Rico.

The jury in the second trial was composed of ten continental Americans and two Puerto Ricans. The population of the island is 1,700,000 Puerto Ricans and about 1500 continental Americans.

The court set the date of the second trial to take place one week after the jury had reported its inability to agree after the first trial. Defense counsel asked the court for an adjournment so as to permit counsel from N. Y. to be present. This application was denied.

The second trial was conducted in a military atmosphere. The courtroom was filled with police and detectives. The United States Marshall, a Louisianan who had been appointed on the recommendation of Senator Millard Tydings of Maryland, refused access to the courtroom to most of the civilians and the few who were allowed to enter were subject to search and most humiliating treatment. Even the defendants' attorneys were searched.

The trial judge, Hon. Robert S. Coop, former governor of North Carolina, overruled defense counsel's objection to a juror, Noah Sheppard. The objections were as follows:

Noah Sheppard was the father of a United States Deputy Marshall who was also a witness for the prosecution at the first trial and who was also used as a witness for the prosecution in the second trial. It was also established that Noah Sheppard was the father of a deputy clerk of the United States District court. Mr. Sheppard, when questioned, admitted that he had consulted for legal advice Mr. A. Cecil Snyder, the United States attorney and prosecutor in the trial. A. Cecil Snyder lived at Noah Sheppard's home. The court ruled that Sheppard was a qualified juror.

The jury was finally composed of ten continental Americans and two Puerto Ricans. One of the jurors, Frederick J. Todd, was an officer of the National City Bank. Henry Shoemaker was an officer of the Chase National Bank. Carl C. Henderson held an important position in the Radio Corporation of America in Puerto Rico. The two Puerto Ricans, one Francisco del Valle was an engineer working for the Puerto Rico Railway Light and Power Company. His immediate superior had sat on the grand jury that turned in the indictment against the defendants. The other Puerto Rican juror, Jose Gonzalez Torres, was a representative of one of the largest rice importers in the United States.

The jury was composed, therefore, predominantly of men who had financial interests to protect against an independent Puerto

Rico which the defendants had been advocating.

Senator Millard Tydings, of Maryland, who is known for having introduced the revenge bill for Puerto Rico in the Senate, was responsible for the appointment of the Federal Court Judge and the U. S. Marshall. He was also responsible for the appointment of Col. Riggs, the police chief who had been killed in Puerto Rico and who was his close personal friend. Cecil Snyder, the U. S. attorney, was not only appointed on the recommendation of Senator Tydings, but comes directly from Senator Tydings' law office in Maryland. The defendants had been indicted



Vito Marcantonio (extreme left) during his Congressional investigation trip to Puerto Rico last summer.

for a conspiracy to commit the crime of insurrection and for insurrection. The testimony was permitted throughout the trial on the killing of Col. Riggs. Evidence was allowed as to the activities of the defendants after the indictment had been handed down. Evidence was allowed as to the activities of people whose connections with the defendants had never been established.

The case was submitted to the jury in the afternoon. People were forced to leave the federal building. The building was filled with police forces and detectives and officers of the court and their friends. Only counsel for defendants were permitted to remain. Even the relatives of the defendants were excluded. The police had surrounded the building with machine guns, rifles, and tear gas bombs.

The Commander-in-chief of the regular army was present in the courtroom. The chief of police was also present. All preparations had been made by the government to remove the defendants to Atlanta by plane. Immediately after midday the jury returned its verdict. The judge immediately passed sentence which is most unusual in all such cases. He would not give defense counsel time to file a motion for a new trial as is the custom both here and in Puerto Rico. He refused to have the defendants serve their term in Puerto Rico. He sentenced them to Atlanta, Georgia. The prisoners were taken out through the cellar. More than 40 sub-marshalls under the protection of the U. S. Marshall, armed to the teeth, escorted the prisoners to several automobiles that were waiting for them. Several days later, defense counsel made a motion for a new trial. Defense counsel produced affidavits sworn to by disinterested witnesses and attesting to the following:

a.) Frederick J. Todd, officer of the National City Bank and a juror in the case had declared in the presence of two of his employees that the defendants should be burned alive. Incidentally, the two employees who signed the affidavit to this effect were summarily discharged by the National City Bank.

b.) Affidavits were produced, signed by disinterested witnesses, to the effect that the juror, Jose Gonzales Torrez, had stated before he had been called as juror, that the defendants were guilty and that they should be sent to jail. That in the event he were called as a juror he would not hesitate to find the defendants guilty.

c.) Affidavits were produced and signed by disinterested witnesses to the effect that W.E.A. Lee, author juror, had insulted Dr. Albizu Campos in a public restaurant. The insult had been resented by some of Dr. Campos' friends and a fist fight ensued. Despite the fact that this juror had had this fight over Dr. Campos, he sat as a juror and passed judgment on a man whom he had condemned in insulting terms, in public.

These facts were urged on the court. The court was asked to hear the people who had signed these affidavits. The court declined to hold a hearing. The judge declared that he knew these jurors personally and that from his own personal knowledge he felt that these jurors would never have sat on the jury if they had had any bias against any of the defendants.

A study of the record in the case will lead anyone to the conclusion that this is no more a trial by jury, than if the defendants had been tried by a lynching meeting in some town in Georgia or South Carolina.

A united defense movement initiated by the International Labor Defense and the Nationalist Party of Puerto Rico, is now developing a broad campaign for the freedom of the prisoners. An appeal against the eight year sentences is now being taken to the United States Supreme Court.



Vito Marcantonio (extreme left) during his Congressional investigation trip to Puerto Rico last summer.

FLORIDA'S OWN SCOTTSBORO CASE

Four young Negroes sit huddled against the walls of their cells in the dread Florida state prison at Raiford. Three of them shrink in terror every time they see a condemned man walk from their cell-block to the death-house. The fourth is beyond terror; four years in the shadow of death, four times having been snatched from it by hours, four years of unprecedented brutalities have driven him stark, raving mad.

These four men are the principals in Florida's own 'Little Scottsboro Case,' one of the most vicious frame-ups in the state's history.

The case opened on May 13th in Broward County, the heart of the peonage-farm-labor in the state. It is an area where it has always been thought good to 'teach niggers a lesson' whenever possible, so that there will be no scarcity of daybreak-to-sundown labor at sixty cents a day.

On that night a Greek fish peddler of Pompano, a tiny town in the infamous county, was walking home with his night's receipts. He was robbed and killed.

The usual method of Florida crime detection was employed; an immediate roundup of all available Negroes in the faint hope that beatings and threatenings might make one of them supply that information concerning the killing that could not otherwise be obtained by the uniformed police gunmen, who are appointed in proportion to their usefulness to the lily-white political oligarchy rather than for any ability to discover even the misdemeanors of school children.

Included in the roundup were four young Negroes from out of the state, down for the bean season. Here were the ideal suspects; even if they had nothing to do with the crime—and no single shred of evidence has ever proven that they did—they had few relatives or friends to protest anything that might happen to them. Railroadings would be simple, and the 'honor' of the Broward County officers upheld.

Early on the morning of May 14th, Izell Chambers, Jack Williamson, Charlie Davis and Walter Woodard were jailed. They were immediately accused of the crime. Eight days

A tragic story of a hideous frame-up told by a young Negro journalist in Florida.

By DAN MARTIN

later signed 'confessions' were produced in evidence that they were the murderers.

Those eight days will always be remembered by the three of the men who are still sane as the crowning week of horrors. They were kept awake and questioned by relays of tormentors. These included police, jailers, lawyers, and even citizens. One man, according to sworn testimony later, beat them with a large pistol; another "stood beside me with a big piece of bicycle tire loaded with something; every time I said something he beat me with it." A brass-studded, thick, leather belt was used for further beating. They were fed stories of the lynching that awaited them at the hands of a mob that was forming, then taken for a ride through open country to another jail. "Put that yaller———in the death cell!," a jailer in the second jail was told about one of the men. He was placed there.

There was nothing haphazard about the way the officers carried out their week of torture. They knew almost to the minute when the bodies and minds of the four boys would crack under this gruelling punishment. That is how it happened that when the boys were finally ready to 'confess' at shortly after daybreak, there was a well-filled room at the jail ready to 'hear' the confessions. This 'audience' included police attaches and hangers-on, and a number of 'disinterested citizens.' (The latter phrase is from admitted testimony of the officers at a later hearing.)

All was serene when the four men came up before trial Judge Tedder for sentence. There could hardly be said to have been any trial. On the strength of the 'confessions' Tedder immediately passed death sentences. True, the boys did have a lawyer; they had two of them. One was appointed on a street corner by Tedder; the other was called by

telephone a few hours before the trials. BOTH ADMITTED THAT THEY HAD NEVER LAID EYES ON THE MEN THEY WERE DEFENDING UNTIL THEY MET THEM ENTERING THE COURTROOM ON AN ELEVATOR. It was inevitable that the smug crowd of peon-drivers and lynchers should have the job of lynching the innocent men given over to the all-too-capable state channels.

Something else happened in the courtroom as Judge Tedder passed sentence, though. The Negroes of Florida and their working-class white friends realized that here was a danger signal that must not be ignored; a point beyond which they must not let themselves be unprotestingly taken. Florida officials, already beginning to absorb the rising poison of fascism brought down by the annual crop of rich, parasitic Winter residents, must be halted.

So they fought back. The four friendless boys suddenly found themselves with hundreds of friends. The church people of the state started the ball rolling, with a number of ministers rallying to their defense. The N.A.A.C.P. followed, and put S. D. McGill, noted Negro lawyer of Jacksonville, on the case. Other organizations, white and Negro, lent aid. Four times the boys were snatched from the chair; once they were saved from a lynch mob; time after time their lawyers appeared before the Supreme and lower courts of the state, damning with overwhelming evidence the tactics of Tedder and his henchman-jailers. Individuals, labor organizations, civic and social bodies, all gave support.

The fight is still going on. Within a few days McGill will again appear before the court, for the fifth time.

Three of the defendants await this appearance with mingled hope and apprehension. It may mean their freedom. It might mean——.

Charlie Davis does not hope; he probably doesn't realize that any fight is to be made. Perhaps he doesn't even care. It has been more than a year now since his mind left the dread prison where sit the victims of Florida's 'Little Scottsboro Case.'

Notes of the Month

by LOUIS COLMAN

More Information About Florida

Florida has re-discovered (!) *sweat-boxes* in its chain-gang camps (dignified by names like "city farm," "Stockade," etc.). The sweat-box just "found" on Miami's prison farm at Opa Locka, is described in an official report by state inspectors as "an almost airtight structure just large enough for a man to stand up straight in with only a one-inch hole for ventilation." It stands against the concrete wall on the sunny side of the prison building. Other details of "farm life" in the report are: Mess hall tables dirty. Hall improperly screened against flies. Refrigerator badly deteriorated. Meat decomposed. "The camp teems with mosquito breeding places." Toilets inadequate and in need of general cleaning. Kitchen dark,

dingy, overrun with flies. "Inadequate" garbage and slop water disposal, resulting in breeding of flies and mosquitoes. Toilets and showers stopped up. Prisoners compelled to use common drinking cups. Bedding and towels filthy as result of policy of camp. . . . Said Miami's Mayor A. D. H. Fossey about the sweat-box: "I don't think anyone could make any specific charges of cruelty." . . . Said City Manager L. L. Lee: "I do not see any reason for an investigation."

Miami, you may remember, vies with Jefferson County (Birmingham) Ala., the boast of the most modern sky-scraper jail in the world. . . . It was in Miami also that last month, after one of a whole series of mass arrests of Negroes, 22 out of 74 arrested were freed "because they had what were regarded as good excuses for being out after midnight." A previous raid which netted more than 70 Negroes arrested, was made "because they wouldn't take work offered them picking beans." These raids occur in Miami "every year at green-picking season."

Another recent claim to fame made by Miami (outside of sunshine, excellent beaches for rich white only and hot spots to rival

New York's Broadway): Kidnapping of Q. B. McCain, president of the Painters Local, by police. They held him incommunicado several days (refusing even to admit that they had arrested him); charged him with criminal assault (a case which collapsed at a preliminary hearing); rearrested and held him incommunicado until released on habeas corpus; rearrested him on another trumped-up morals charge on which he was finally released on \$100 bail, later fined \$30. . . . Miami Beach hotel employees are ordered to register with police and submit to fingerprinting. Refusal or failure means 30 days in jail, \$100 fine, or both. . . . White people attending Negro entertainments and Negroes found outside of the Jim Crow residence section of Miami at night are jailed.

That's only one side of the civil rights fight in Florida, though. Another angle entirely is expressed by the *State Federation of Labor Convention* held in March at Lakeland, scene of the kidnap-murder of Frank Norman four years ago. Among resolutions passed were the following: to set up a state-wide *trade-union civil rights committee*, and to cooperate with existing organizations and committees in this field, the state-wide committee to be among other things specifically an auxiliary to the citrus organizing drive. . . . to set up a state-wide trade-union *committee against lynching* . . . endorsing the work of the American Committee for Protection of Foreign Born . . . asking a \$200,000 appropriation for the LaFollette Senate Civil Rights Committee. . . . There were also others, too numerous to mention here.

Legislation Notes

Big News of the month for LABOR DEFENDER readers is *repeal of Oregon's Criminal Syndicalism Law*. The first of such state laws in the U.S.A. was passed in 1901. This repeal is the first by legislative act. It is the result of the International Labor Defense victory in the De Jonge case. Such laws still exist in 35 states. . . . Washington's House and Senate both passed the bill repealing that state's criminal syndicalism law too. At last report it was "in the lap of the Governor" . . . Add to the list of states where repeal bills have been introduced, in last month's LABOR DEFENDER, *Ohio, Michigan and Minnesota*. . . . In the lower *Georgia House*, the new and "modern," *sedition bill*, designed to supplement the state's infamous "insurrection" law of 1861, was defeated. The Georgia Senate had previously passed the bill by overwhelming majority. The Herndon campaign, and growing labor legislative influence in the South as a result of the C.I.O. drive, are credited with the killing of the bill. . . . The U. S. Labor Department seems to have recognized that c.s. laws and such are "labor laws"—against labor, of course. The Department's magazine, *Labor Monthly*, under the heading "Labor Laws and Court Decisions" gives a 3-page summary of the Supreme Court decision in the De Jonge case.

One million and ninety thousand people were represented at the *Civil Rights Conference in Waukegan, Ill.*, March 7. They voted to back the c.s. repeal law introduced in that state legislature on International Labor Defense initiative. . . . The March *Legislative Conference* held by the American League against War and Fascism in Washington, had more than a million represented. They resolved to back the campaign for repeal of all c.s. and related laws, initiated by the International Labor Defense. . . . The *defense* in all cases pending under these laws is being conducted by the I.L.D.—in California the Sacramento case, now before the State Court of Appeals; in Indiana the case of Paul Butash, before the State Supreme Court; from Georgia the Herndon case, before the United States Supreme Court.

On March 9, 70,000 San Franciscans swept the *local anti-picket ordinance* out of existence. Big struggles with the same end in view are going on simultaneously in scores of California communities. . . . A number of states have state-wide laws banning picketing. In *Talladega, Ala.*, two textile strikers were convicted of murder

and sentenced to 10 and 20 years respectively on the theory that they "conspired" to violate this anti-picket law. Nine others are waiting for trial. . . . As in the case of c.s. laws, it is militant defense that lays the basis for successful campaigns to repeal anti-labor laws.

The indignation which forced abandonment of the attempt to *disbar Leo Gallagher* in California has found another expression in a campaign in support of a bill introduced in the legislature there which would prohibit disbarment of any attorney for criticizing a judge in an election campaign.

In at least 20 states there are *whole series of bills* under consideration to restore, maintain, enlarge democratic and civil rights, which are backed by the I.L.D. In all of these and more, reactionary bills to curtail or destroy these rights are being opposed by all progressive forces. . . . in the *Congress* at Washington a hundred or so proposed laws, most of them bad, deal with civil rights. . . . There are nearly half a hundred to further *persecute the foreign-born*, require them to register, to be fingerprinted, to be thrown off relief and out of jobs, and would facilitate their deportation if they resent such treatment. A big proportion of the bills provide—just incidentally that *anyone* can be held without warrant for long periods if they are "suspected of being deportable." . . . A *good bill* for the foreign-born is H.R. 3424, to legalize the stay here of many foreign-born who are supposed to have entered illegally.

"Humanization" of *American prisons* along the lines of the notorious Devil's Island seems to be the idea behind House Resolution 5, introduced by Congressman Edward A. Kenney of New Jersey, who wants to set up a committee to study the idea of "confining them (prisoners) in colonies on penal islands and requiring them to live under conditions approximating those of pioneer life." . . . Another "humanizing" idea is contained in the bill introduced by Congressman J. Parnell Thomas representing Frank Hague, boss of New Jersey. He wants to *revive public hangings*, starting off with kidnapers, under federal law.

Mr. Dickstein of New York wants to revive his famous committee from two years ago, which issued a red-baiting report that *white-washed fascist organizations* by the device of saying as little as possible about them after making a supposedly "impartial" investigation of both Communism and Fascism in the United States. The idea, according to House Resolution 88, is to take all the records of that dead old committee, dust them off, and get going again in the same direction.

A really fine bill, but so revolutionary in its humanitarian purpose that it is unlikely to be passed in any congress not a great deal newer deal than the present, is H.R. 4860, introduced by Congressman Matthew A. Dunn of Pennsylvania. The bill provides for the *abolition of chain-gangs*, prohibition of persecution of or solitary confinement for prisoners in any police station, jail, or penitentiary in the United States or its possessions. . . . Incidentally, Georgia has according to a new law put its chain-gangs on a *44-hour a week basis*. Forty-four seconds is too long. . . . Another order of the Prison Commission abolished the use of stocks on Georgia chain-gangs—remember those pictures John Spivak took and the LABOR DEFENDER published? The sweat-box and other torture instruments remain, but the Georgia government has at least shown that she feels the pressure of the world's horror, the campaign for Herndon and against the chain-gang.

We ask for a special *status for political prisoners*. Except for the fact we also demand their freedom, we haven't asked for half as much as Dayton Dean, Black Legion executioner, actually had (has?) in jail. A scandal developed when it was discovered that a 17-year-old girl prisoner was sharing his cell in a Detroit prison. So he "lost his palatial cell, with its wide, soft bed and radio and many comfortable chairs, its supply of special food and reading matter, its spacious private bath."



Headlines on the front pages of Brazilian newspapers denouncing David Levinson for attempting to defend Luis Carlos Prestes. The word "AUDAZ" means audacity!

'Underneath-Very DANGEROUS'

A graphic account of justice in Brazil today by one of our fighting I.L.D. attorneys who saw it at work.

By DAVID LEVINSON

It was on the morning of Lincoln's birthday. My wife and I were just getting dressed. There was a knock on our door and almost before we had a chance to answer, Captain Romano of the secret police and two other men entered. I had met the Captain shortly after my arrival when I visited the headquarters of the secret—they call it Political—police.

"You must come with us to headquarters," he announced.

"But why? I have done nothing wrong, my papers are in order. Am I under arrest?"

"No. But you must come with us."

"Very well. First, however, I must telephone to the American embassy." This announcement seemed to worry him exceedingly. He said no and I said yes several times until he became very angry. So did I. And I announced finally that I would refuse to dress and go with him unless I was permitted to telephone to my embassy.

Reluctantly, he agreed. I called and reported what was happening. The embassy attaché insisted on speaking to Captain Romano. He protested against the action of the police. He said he saw no reason why an American citizen should be so treated, and he stated that he considered it an outrage.

The Captain hung up, marched over to the bureau, pulled open three or four drawers, found an envelope which contained all my papers, and ordered us to get ready.

That was the beginning of my conflict with the Brazilian police which lead to my having to leave the country.

In the ten days which preceded this incident, I had made every effort to contact the proper authorities to secure two things: permission to visit Luis Carlos Prestes and Arthur Ewart whose relatives had retained me to act as their defense counsel, and also permission to represent them at their forthcoming trials before the illegal Special Tribunal.

Dr. Miranda Jordao, pres. of the Brazilian Institute of Lawyers, Dr. Targino Ribeiro, president of the Brazilian Bar Association examined my credentials with great interest. Both these authorities stated that they saw no legal bar to my seeing the men or remaining in Brazil as "auxiliary" defense counsel.

The Minister of Justice simply refused to see me. But I finally got to Justice Machado, head of the Special Tribunal. He was very abrupt. I was not a Brazilian, therefore my requests could not be granted. I pointed out to him that under international law any lawyer no matter what country he is from could act in an advisory or auxiliary capacity with any local lawyer in defense of clients who retained him. I cited the Reichstag Fire trial to him and the defense of Matthias Rakosi in Hungary, in both of which I had been personally involved.

Yes, he said, that is so but he would have to have a letter from the American embassy

stating that I was qualified to act as a lawyer.

The State Department in Washington instructed the embassy to issue such a letter after I cabled to them, but it was not until the last day that I was permitted to remain in Brazil, that I was able to present this letter along with the legally required Portuguese translation to Justice Machado.

I presented the letter, duly signed and sealed with the United States seal.

"Now can I see Prestes," I asked him.

And once more he firmly refused. I argued and argued. I cited more precedents. I told him of how I had been permitted to see Matthias Rakosi who had been held a prisoner incommunicado for nine and a half years.

His only answer was a shrug of the shoulders. That was all very well for Hungary or Germany, but in Brazil, there was a State of War.

"I have been in your country for three weeks now," I told him, "and everything seems quite normal."

"Ah," he answered, "that is on top. But underneath—very dangerous. And besides, Dr. Levinson, even if I were to give you permission, the police would not honor my order."

That last sentence about the police explains the whole situation in Brazil today. Vargas keeps renewing the decree for the prolongation of a State of War throughout the country. The courts are without any power whatsoever, except the illegal Special Tribunal which he erected in violation of the Brazilian Constitution. And even this court is subject to the rule of the dreaded Secret Police—the direct agency through which the Vargas dictatorship imposes its rule of fascist terror on the Brazilian people.

My own experience with that police I shall never forget. On that same morning of February 12, when Captain Romano carried us off to the headquarters, we arrived at the huge ugly quadrangular building and were immediately rushed into the offices of the Captain himself. He examined my papers—powers of attorney, legal certificates, etc., and grudgingly announced that they were in order. Still I would have to see Dr. Suoto, the chief. In order to get to his office we had to go out on a balcony which runs around the inside of the building. The official police interpreter accompanied us. Just as we got outside Romano's office I noticed a high iron grating. It was the only part of the balcony that was so protected. The interpreter must have noticed my curiosity.

"That," he said, "is where another American, Victor Allen Barron committed suicide. Three other people have also committed suicide from this same spot. That is why we put up the gratings."

With that piece of information freshly in our minds, my wife and I proceeded to Suoto's office. He was very polite, but firm. My "presence" in Brazil was "dangerous" though there was no criticism of my "conduct."

There was no appeal from his decision. He is the all powerful chief of the all powerful secret police, the right arm of the fascist dictatorship in Brazil. He is the man who carried out Vargas' orders to prevent anyone from seeing Luis Carlos Prestes and Arthur Ewart—the latter, by the way, according to the Brazilian press he has lost 66 pounds during his imprisonment—let alone defend them in open court in a fair trial which would surely acquit them.

“A good man fallen among Republicans.....”

The story of two cases in which Negro rights were successfully defended before the Civil War.

By CHESTER A. ARTHUR, Jr.



CHESTER ALAN ARTHUR 1830-1886
21st President 1881-1885

In 1852, my grandfather Chester A. Arthur, having finished his law studies, was taken into a law office in Brooklyn. It happened that at that time one of the major slave cases came up, and it was his first job to busy himself with the details of the case.

A Mr. and Mrs. Lemmon, living in Virginia, decided to emigrate to Texas. They sailed to New York with their eight Negro slaves, to connect there with a boat to Galveston. The slaves being on “free soil” decided they were quite independent of the Lemmons and at last had their liberty. Ten years before, New York State had decided that slavery could not exist in the state; but when the case came up for trial, the Lemmons stand was that they were in New York City only in transit to Texas, that their slaves were their personal property, along with their other baggage and therefore they should take them on to Texas when they should sail. The Court decided otherwise thanks to Mr. Arthur’s contribution in the case. So the Lemmons sailed slaveless, to Texas.

Merchants in New York, realizing the financial loss to the Lemmons, collected over five thousand dollars to reimburse them; so, when the Lemmons sailed to Texas, they were richer by over two thousand dollars, having paid only three thousand for their eight slaves. The newspapers at the time, however contended that the Lemmons refused the money; the *New York Tribune* of December 4th, 1852, says: “*The Southern Journals continue the discussion of the late Slave Case and they (the Lemmons) utterly refuse to receive the liberal payment.*”

On November 23rd, the *Tribune* had printed an impassioned appeal for the slaves: “*Who will help give them a start on the highway of responsible and independent life?*” The future destiny of the Lemmons’ slaves seems to be a mystery, for no one knows how they fared in New York after being judged free by the Court.

This was Chester A. Arthur’s first case, though he didn’t figure prominently in it. His next important case had to do with a Negro woman riding in a Brooklyn street car. A passenger objected because the Negro woman, a Mrs. Lizzie Jennings, was riding in the same car with her. She insisted that the conductor put her off the car, which he did with the assistance of other passengers.

This was in 1855. By this time Chester Arthur had become a member of the firm of Culver, Parker, & Arthur. He won the case for Mrs. Jennings, and the street car company instructed its conductors henceforth, to allow *all* passengers to ride, unmolested. Mrs. Jennings won a judgement of \$500 because of “*injury to her person and clothing.*”

When the Republican Party, strangely enough, the Progressive Party of that era, was born out of the conflict over the slavery issue, Arthur joined it and in course of time, became the leader of the Republican Party in New York State. He was nominated for the Vice-presidency in 1880 on the ticket headed by James A. Garfield. When Garfield died by an assassin’s bullet, seven months after his inauguration, Arthur became President of the United States. His presidency was distinguished by his championship of what were then considered very liberal measures. The two outstanding achievements of his administration were the Civil Service reform and the prosecution of the notorious “Starr Route” scandals. A piece of political corruption which was the “Tea Pot Dome” of its day. Unlike Harding, Coolidge and Hoover, Arthur relentlessly exposed the corruption of high officials within the Republican Party, thereby incurring the undying enmity of the Old Guard of his day. But, although his administration was distinguish-

ed by a very high level of efficiency and integrity, his efforts to save the Republican party by liberalizing it were doomed to failure. Dry rot had already set in. The Republican party had become the tool of the great forces of emerging industrial capitalism and had put behind it the ideals which had animated Abraham Lincoln.

It is significant that Arthur who first earned fame as an abolitionist and a champion of the Negro, was unable even while he was President to control the reactionary elements in his own party. Even fifty-five years ago, during Arthur’s administration, the Republican party was essentially the exponent of Big Business. Chester Arthur’s share in the Lemmon case and the Jennings case are curiously illustrative of the irrepressible conflict which was so rapidly approaching in the ‘50’s of the last century. The famous decision of the Supreme Court in the *Dred Scott* case in 1857 was the legal culmination of the struggle in which the Lemmon case and the Jennings case had been the prelude. The action of the Supreme Court in denying to the Negro race in this country any possible redress for their grievances and in denying to the Federal Government any power whatsoever, either to interfere with or to abolish chattel slavery, made the war between the states inevitable.

It is a curious irony that Chester Arthur who joined the Republican Party when it was formed as a party dedicated to the prevention of the spread of the institution of slavery throughout the Union, should have lived to become President of the United States at a time when his party had succumbed to influences far more vicious than the domination of the slavocracy had ever been. Arthur’s attempted reforms were impotent in the face of the financial oligarchy and the mighty economic forces which they represented and his presidency must have meant to him, as an enlightened conservative, nothing except a bitter disillusionment. But he will be remembered in history for a courageous and generous championship of the Negro people and for an equally courageous and intelligent attempt to curb the predatory forces of reaction within his own party. Lenin said of Bernard Shaw that “He was a good man, fallen among Fabians.” One could say of Chester Arthur that he was a good man fallen among Republicans.

GOVERNOR BENSON SAYS:

“One need be no pessimist to view with alarm the dangers threatening our civil liberties. It is true that we in this country enjoy liberties of speech and assembly which are denied citizens of many other countries. Yet this should not give us a false sense of security. There are powerful groups ever ready to support the liberties of one class at the expense of the liberties of another; some, like the misnamed American Liberty League, take on the cloak of democracy and respectability. We must be on guard against this deception. Secret, subversive organizations like the Black Legion, the Silver Shirts, and the Ku Klux Klan present a constant threat to

our freedom. And there are mighty leaders of industry who do not hesitate to ask autocratic control over the lives and liberties of their workers.

“It rests upon you who make the laws of the State to guard our American heritage. Just yesterday the Supreme Court of the United States declared the Oregon criminal syndicalism law unconstitutional.

“We can do something in that direction by repealing one of the most vicious laws upon our statute books—the criminal syndicalist law. The law defines criminal syndicalism as ‘the doctrine which advocates crime, sabotage, violence, or other unlawful methods of terrorism as a means of accomplishing industrial or political ends.’”

(Radio broadcast by Irvin Goodman, labor lawyer and of counsel for the Oregon Workers Alliance, over station KWJJ, Portland, on March 16, 1937 upon the subject of "Criminal Syndicalism Laws.")

Ladies and Gentlemen: In 1919, during the aftermath of the world war, there was enacted in this state what is known as the criminal syndicalism law. From that date on and until this very month, namely for a period of eighteen years, that law was a constant threat to all people who believe in the preservation of democracy. No one who raised his voice in protest against unemployment, or against inadequate relief, or against evictions of unemployed people from their homes and farms, was free from prosecution under this law. Indeed, so dread were its provisions that no one who raised his voice in protest, however peaceful, against existing social and economic conditions was free from its constant threat. It was a blow to free speech. It was a blow to peaceful assembly. It was a blow to organized labor. It was a blow to all progressive organizations, workers or farmers or otherwise. It was a blow to all believers in democracy. It was a bulwark of reaction. It was a step towards fascism. So with the legislative repeal, this month, of the criminal syndicalism law which blotted the statute books of our state for eighteen years, we who believe in the preservation of democracy, have occasion to rejoice.

The time allotted for this broadcast does not permit a detailed explanation of the criminal syndicalism law which, including Oregon, had been enacted in a total of thirty-six states. But a brief analysis of the five major cases that were tried in Oregon will give you some conception of its nature and use. For, in the last analysis, a law must primarily be judged, not by what it says, but by the manner in which it is used.

The first criminal syndicalism case that was appealed to the Oregon Supreme Court was that of Joseph Laundry. Laundry, who was a member of the Industrial Workers of the World or generally known as the IWW, was arrested the evening of November 11, 1919 while attending a meeting at 123½ Second Street in Portland. A number of police, acting on orders, went to the meeting and knocked at the door. Laundry responded to the knock only to find himself taken in custody, thereafter tried, convicted of criminal syndicalism and sentenced to the penitentiary for three years.

It must be emphasized that this meeting was peaceably conducted. Not a single act of force and violence was committed, not one. Solely because of his membership in a working class organization of his own choice. Laundry was arrested, indicted, tried, convicted and sentenced under the criminal syndicalism law. Upon appeal the Supreme Court upheld the constitutionality of the law but reversed the case upon the basis of certain legal technicalities. The Laundry case serves, therefore, as the first major illustration in Oregon of the nature and use of the criminal syndicalism law.

The second criminal syndicalism case that was appealed to Oregon Supreme Court was that of Ben Boloff. Boloff came to Oregon as a youth of eighteen. For the next nineteen years he dug sewers, worked in mines and factories. He was a quiet, unassuming person, and had never committed an overt act of force and violence in his life. Never convicted of a crime nor had a criminal accusa-

C. S. Law Defeated In Oregon

A radio address by one of our most militant I.L.D. attorneys. A brilliant history of Oregon's defeated C. S. law.

By IRVIN GOODMAN

tion ever been made against him. Yet on November 1, 1930 while he was walking on the streets of Portland, enroute to an employment office where he had sought work the previous day, he was arrested and charged with vagrancy. Next day the vagrancy charge was dismissed but he was held in custody under \$2500 bail for criminal

his admitted membership in a working class organization of his own choice, nothing else. Despite all this, and despite the fact that the jury had recommended leniency, he was sentenced to the penitentiary for the maximum period of ten years. The case was appealed in Oregon's Supreme Court by the International Labor Defense which organiza-

Sit down strikers in Michigan get their grub while bayonets stand guard. Flint auto workers won that strike!



syndicalism solely because of his admitted Communist Party membership. Thereafter he was brought to trial in the circuit court in Portland and, with the aid of the newspapers

tion led the fight against this law here and elsewhere. On October 20, 1931 that court, by a four to three decision, upheld the conviction. But Justice Belt, for the minority of

The law delivers its ultimatum to auto strike 'sit-downers'. Sheriff is shown reading them the vicious injunction they defied.



that had whipped the people of this state into a red hysteria, was found guilty of the charge.

On March 2, 1931 Boloff stood before the judge for sentence. As stated, he had never committed an overt act of force and violence in his life. Nor was he ever convicted of a crime nor had a criminal accusation ever been made against him. His sole offense was

the court, denounced the law with these words:

"The criminal syndicalism act was enacted during the late world war as a sort of emergency measure. . . . Throughout the centuries jails have never been able to kill ideas. It is doubtful if they can do so in this modern and turbulent age."

The third criminal syndicalism case that was appealed to Oregon Supreme Court was

that of Kyle Pugh. Pugh, 48-year old miner and world war veteran, went to Jackson County, Oregon, in the spring of 1931 to prospect for gold. His experience was ample, having worked in mines practically all of his life. But the gold was not to be found and, with no steady work since 1930 and unable to obtain relief because he was single and had no family to support, he decided to sell a little literature to impoverished farmers. With a lone donkey as his only earthly possession, he made himself a wooden cart, hitched the donkey to the cart and drove up and down the highway between Medford and Grants Pass and, as he stated, "worked up quite a little trade and had quite a crew of customers" in Josephine and Jackson counties.

On September 10, 1934, during the hysteria that followed the 1934 maritime strike, Pugh was arrested, locked in jail, later indicted for criminal syndicalism solely because he sold literature most of which he had received through the United States mails. On December 7-8, 1934 he was tried at Medford. The jury deliberated twenty minutes and

returned a unanimous verdict of guilty. Thereafter the judge said that he would sooner punish the authors of the literature than Pugh, who made his living as a news vendor. But the authors were not in court. So Pugh who had never been arrested before, never convicted of a crime in his life, solely because of the sale of literature and nothing else, was sentenced to the penitentiary for five years. Upon appeal by the International Labor Defense to Oregon Supreme Court, the conviction, upon the basis of certain legal technicalities, was reversed.

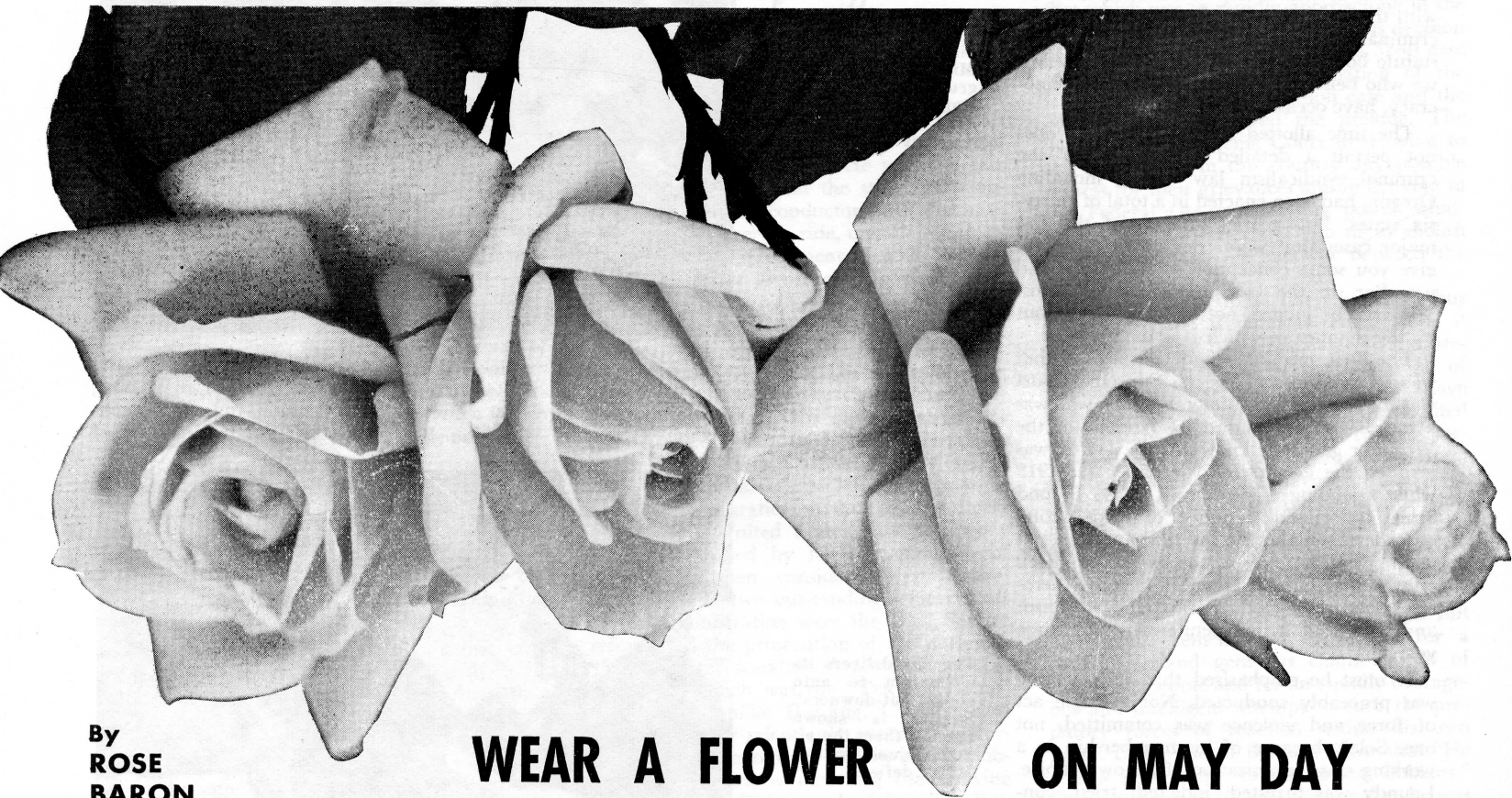
The fourth and fifth criminal syndicalism cases that were appealed to Oregon Supreme Court were those of Dirk De Jonge and Edward Denny.

Both of these cases were appealed by the International Labor Defense to the Oregon Supreme Court, where the convictions were affirmed. Thereafter the De Jonge case was appealed by the International Labor Defense, to the United States Supreme Court, where the conviction was reversed, with Chief Justice Hughes stating:

"We hold that the Oregon statute as applied

to the particular charge as defined by the state court is repugnant to the due process clause of the 14th Amendment."

Ladies and gentlemen, I told you that with the legislative repeal this month of the criminal syndicalism law which blotted the statute books of our state eighteen years, we who believe in the preservation of democracy have occasion to rejoice. But to rejoice is not enough. In fact, it is only the beginning. For in place of the criminal syndicalism law, the Oregon legislature has enacted what is known as a conspiracy law. That this law will primarily be used against organized labor, against trade unions, against progressive farmers' organizations, there is little question. So in addition to struggling against such use of the new conspiracy law, we must also henceforth wage a determined war against the future enactment of any repressive legislation. We must fight with all the power at our command for the preservation of our civil liberties. Once they are lost, we are a step nearer toward fascism; fascism, the enemy of democracy, which it devours in the most bestial fashion the world has ever seen.



By
**ROSE
BARON**

WEAR A FLOWER ON MAY DAY

On labor's international holiday you'll be marching in your city behind the banner of your union. Maybe you'll just be standing on the side lines watching and cheering. That will be up to you entirely. But there will be scores of men and women who will not be there. Their hearts, their minds, their spirits will hover over the celebrations, but they themselves will be in prison cells behind high stone walls. They will not be able to take their places in the ranks where they belong.

But we can help to make their presence felt and it is our duty to them to do so. The International Labor Defense has established a May Day tradition, which this year especially,

with labor on the march all over the country towards a powerful trade union movement—must be observed on a larger scale than ever before.

The tradition is a simple one. Wear a flower for a prisoner on May Day. The Prisoners Relief Committees all over the country have organized flower sales out on the streets among the paraders. The funds, of course, go for relief to labor's prisoners and their families. But more than the funds, the live flowers in the button holes and lapels of the paraders carry the men and women who gave their freedom in labor's cause right into the line of march. Last year entire divisions

of New York City's tremendous parade wore such flowers. Every furrier wore a red rose for the men and women behind the bars, every teacher, other trade unionists and of course every member of the I.L.D.

I.L.D. branches are already organizing the flower sales in many parts of the country. Help them if you can—and don't forget to buy a flower and wear it on May Day 1937 in solidarity with Tom Mooney, J. B. McNamara, Warren K. Billings, the Scottsboro boys, Ernst Thaelmann and all the victims of reaction wherever they may happen to be. Remember labor's prisoners!

VOICES FROM PRISON

Letters from Four New Wards

"It Is A Comfortable Feeling"

Your most welcome letter and money order received and I don't know how to begin to thank you. My scope of words is too meagre to express my fullest appreciation. So at this time I will just thank you. It is a comfortable feeling to know that there are people such as you who understand the injustice of political persecution. My admiration for you and your work in unbounded.

The metamorphosis from freedom to prison life is too great, and it takes some time for one to adjust himself to the change. The days are not so bad; ones hands are busy and one hasn't much time to think. But those long weary nights, when one cannot sleep—well that's different. As some quaint Shakespearean character would say: "One must become acclimated to durance vile."

You asked about papers and magazines. You are very kind and to prevail upon your kindness still further: please send me a Boston Daily paper. You understand of course that Hearst papers are taboo as far as I am concerned.

Very truly yours,

FRANK CONNER

49814 - San Quentin California

The Spirit That Organized Thousands

Having received your letter unexpectedly I am writing one of my monthly letters in advance to you in appreciation of yours.

Your generosity is most assuredly welcomed and cannot be expressed in words. In reference to newspapers or magazines, I would be delighted to receive the *Daily Worker*, or the *Pilot* which is a maritime paper. That would keep me in contact in a field which is my livelihood. The papers specified would be appreciated as there are a couple of seamen here due to the strike and they would be glad to have the opportunity of reading them as we all belong to the same union. My family lives in Camden, New Jersey. There are thirteen in the family and only one working part time. You can see that anything done in reference to their welfare as well as mine is appreciated. Despite our reversals we, the seamen, here still maintain the spirit that organized thousands.

Sorry that my present position will not allow me for a while to make amends but when I am released I will try to make this up to you.

Fraternally

ANGELO BELLO
Philadelphia County Prison

We Are Here To Help

I am writing this letter as a token of thanks on behalf of my husband to your organization for the wonderful way you have helped in supporting the defense of Earl King, Frank Conner and my husband Ernest Ramsay.

There is no doubt that this case was framed by people that do not care to recognize labor organizations. Some day the truth will get into proper hands and this whole frame-up will be exposed.

Again I want to thank you for the way you have helped in supporting this cause. I feel greatly indebted to you for all this help.

Yours very sincerely

MRS. E. G. RAMSAY



Hitler holds these three women prisoner-hostages. Their husbands are dead—Beimler in Spain—the others in Nazi Germany

Can You Help This Family Of 10

We received your check and are very grateful for your help. There is one thing that I want to correct. Angelo Bello is not married but is the oldest boy in our family and if he were home he would be helping us as he always has done.

You asked if we needed anything. We do because we are a very large family. There are ten of us children ranging from the age of 21 to 3. I am not able to work because of an infantile paralysis attack. If you have anything to fit the girls—21, 17, 11, 7 and 3—and the boys—16, 14, 9, 8 and 5 years of age all of average height and weight, we would appreciate it very much.

We thank you sincerely for your kind help. I remain

Sincerely yours,

MISS MARY BELLO
Angelo Bello's sister

"They Are In Good Hands"

Received your letter and money order and was glad to hear that we can expect good news regarding Herndon. It is also encouraging to see material evidence of improvement and progress on the outside such as the increase in our monthly allowance. This does not only represent to us the comforts which it affords us but is to us a symbol of increasing brotherhood and unity and it is in this which we find the greatest pleasure—for in this brotherhood rests our hope and our future.

Though it is a bit tardy, it is only proper that those who have made the sacrifices necessary to give us the aid extended us each month for the twenty-two months we have been here, it is with sincere feeling and deep understanding of the meaning of those sacrifices that our thanks and appreciation is extended for these monthly reminders of solidarity and the task ahead—for in these you give us necessities we could not get otherwise and more important new hope and confidence.

It is no wonder that with the increase in the monthly allowance to prisoners and their families that we should come forward with the De Jonge victory for both are constant with the proof of growing unity and effort, let us hope that our hopes for a favorable Herndon decision will be born out and that we can add to our laurels a Herndon victory.

Leaving my fate and future in the hands of the brotherhood of man and confident that they are in good hands, I leave you with the most I can do at present—a word of encouragement—may new victories give us encouragement and our failings only urge us to extend more effort toward the building of a new world in which all men shall be brothers and Fascism shall have been wiped from the face of the earth.

Fraternally yours

MARTIN WILSON - No. 57591
San Quentin, Cal.

A Message From China

Dear Friends:—

Will you please insert a notice in the *Labor Defender* that Paul and Gertrude Ruegg, whose address is First Kiangsu Prison, Nanking, and who are serving a life sentence there for their activities in behalf of the working class of China are greatly in need of books and letters. They are both in solitary confinement and in poor health. While they are unable to send out letters, there is no limit placed on the number they may receive.

These people suffer even more hardships than do the prisoners in America, since they are shut off from the outside world completely, and they have informed the Committee that since their prison sentence began they have received no letters from anyone. If sympathetic friends in America would write them from time to time, it would make their lot more bearable.

It is almost impossible from China to supply them with enough reading matter, and therefore an appeal is being made to America to assist in this matter.

Sincerely yours,
RUEGG DEFENSE COMMITTEE

50,000

GREETINGS

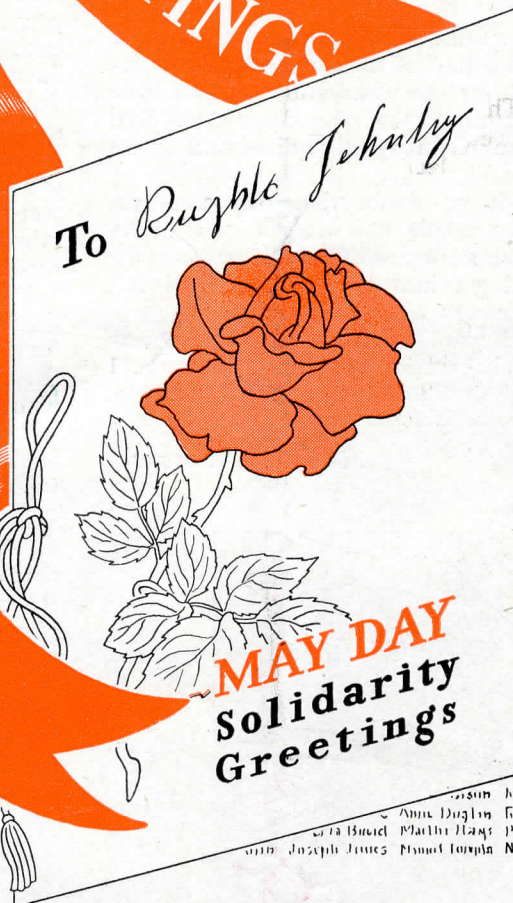
Every Greeting

WILL BE A
PROTEST
AGAINST
THEIR
IMPRISONMENT
AND
PERSECUTION

Think what it will
mean to these men
and women behind
the bars to receive a
huge

MAY DAY
GREETING
CARD

signed by
50,000
men and women
from all over the
United States.



TO
Mooney
Thaelmann
Billings
McNamara
Prestes

From

Abraham Lincoln
Benjamin Franklin
George Washington
John Adams
Thomas Jefferson
James Madison
James Monroe
John Jay
Alexander Hamilton
James M. Smith
John C. Calhoun
Andrew Jackson
Martin Van Buren
Millard Fillmore
Franklin Pierce
Abraham Lincoln
Benjamin Franklin
George Washington
John Adams
Thomas Jefferson
James Madison
James Monroe
John Jay
Alexander Hamilton
James M. Smith
John C. Calhoun
Andrew Jackson
Martin Van Buren
Millard Fillmore
Franklin Pierce

A donation of 25c
entitles the contribu-
tor to have his name
printed in the group
greeting of 50,000
which will be sent to
each of 100 prison-
ers. All names on
this list will also be
printed in the special

MAY DAY
issue of the
LABOR
DEFENDER

A donation of 50c
entitles the contribu-
tor to have his name
printed in the group
greeting and ALSO
sends a beautiful

PERSONAL
GREETING
CARD

to any one of the 100
prisoners.

All greetings must
be returned by
APRIL 15, 1937 to

LABOR
DEFENDER

Room 610
80 E. 11th Street
New York City

Greetings to _____

on this international holiday of labor. You
have my pledge of solidarity and support.

From _____

To 100 of the World's
Outstanding
LABOR PRISONERS

*Be one of the 50,000. Send your personal greeting
through the Labor Defender to each of labor's heroes*