


TAMPA'S REIGN OF TERROR

by ANITA BRENNER
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ON NOVEMBER 7, 1931,* at the Labor Temple in Ybor City, Tampa, an anonymous brick hit the head of Police Officer David Wilson and somebody's bullet met the shoulder of Police Officer J. N. Byrd. For these injuries thirteen men and two women have served and are now serving sentences totaling fifty-three years—chain-gang and county-farm sentences in sweat-box jails, under circumstances of such brutality that three of the prisoners have gone insane. An added half-dozen were thrown into Tampa's jails for a few months apiece; more, for a few days or weeks; uncounted others have been summarily deported, and their families left in want; and hundreds have been cut from their jobs in Tampa's cigar factories, but are candidates for relief only at the hands of their terrified fellow-workers. These facts are plainly reported in the Tampa press, but their meaning in human terms is written in the half healed scars of a few refugees who have come for aid to the National Committee for the Defense of Political Prisoners and the International Labor Defense.

Tampa provides American smokers with 65 per cent of their prosperity cigars, those costing fifteen cents and up, and with several hundred million five-cent cigars. The industry centers in Ybor City, a Tampa suburb inhabited by a considerable portion of the city's thirty-odd thousand Latins, Italians, Spaniards, Cubans, Mexicans and South Americans, with a Negro streak not easily measurable on account of somewhat obscured Cuban color lines. From 10,000 to 15,000 persons work in the cigar factories. Workers must serve a two-year apprenticeship and then take half pay for six or eight months.

Organization of a sort has always existed among the cigar workers because news, especially political and labor news, and

* The first 2,500 words of this recital of facts were condensed from the article "Tampa's Reign of Terror" written by Anita Brenner and published in the Nation of December 7, 1932.

more specifically local labor news, is transmitted orally in the shop itself by a reader member of a Readers' Cooperative, paid by the workers. This custom, brought from Cuba, has always annoyed manufacturers because strikes, walkouts, protests, and petitions could be started and carried out very rapidly with each shop acting as a unit; since the workers choose what is to be read, they control the platform. Some attempt at censorship was made but the forum existed none the less, and when in the early part of 1931 the cigar workers began to cohere into a union around a fiery and apparently much-beloved young Mexican named Juan Hidalgo, known as Jim Nine—aged twenty-three—it grew very rapidly and within a few months numbered over 5,000 members. This organization called itself the Tampa Tobacco Workers Industrial Union. It was affiliated with the Trade Union Unity League, in turn affiliated with the Red International of Labor Unions. As a mass it met in the Ybor City Labor Temple, owned by the workers, but it actually debated and deliberated in the shops, and the *Daily Worker* appeared on the readers' stands. Alarm, vigilantes, secret committees, quiet word to the chief of police and the American Legion. The issues: wages, steadily dropping; conditions, bad; Jim Crowism; unemployment.

In September of 1931, penniless tourists from colder states began percolating into Florida. Tampa announced that it was going to defend itself, and in one day sentenced thirty-five men charged with vagrancy to three months on the chain gang. A Negro woman was given a month in the county jail. Sentencing Judge Hendry said: "I realize that among the thirty-six persons now held there are some who are worthy, who are out of employment and in actual need of food. Others are drifting from city to city with the deliberate purpose to pilfer and steal. So far as I am concerned I am unable to segregate one class from another, and therefore will make no distinction here". The *Tampa Tribune* added that this was "the only way to forestall an epidemic of crime . . . they will be fed and clothed and the penalty will not be too severe". Then a chain-ganged vagrant youngster was shot while attempting to escape, and Tampa admitted that there was a relief problem.

To face it a council met and planned: pledges from business to keep workers through the seasonal layoff (December in the cigar factories); public works; propaganda and other measures to keep drifters out; and a relief fund, to be contributed half by business and the other half by the County Commission and the city. Mean-

while the jobless cigar workers were forced to help themselves. In October their union stated that hundreds of workers were being discharged, and that when the factories closed for their annual balance they and all the rest would suffer from hunger and want. A Council of Unemployed, raising an emergency winter fund, demanding free rent, gas, and water for the jobless, organized direct resistance to evictions, and three of its leaders were jailed. On November 3, there was a mass-meeting which planned another and bigger protest meeting and parade on the entire issue of unemployment for November 7, the Soviet anniversary. The parade was to march through Tampa's Negro section and with banners and speeches would urge the Negroes to move left. A committee from the Labor Temple headed by one J. E. McDonald asked the Democratic Mayor, Robert E. Lee Chancey, who had been inaugurated two days before, for permission to parade. The Mayor said: "I had no objection to a meeting, but I did to a parade. I told the committee it could not hold such a parade because our Negroes are probably the most peaceful citizens in this country. They are fairly treated, they appreciate what is being done for them, and the very thought of a parade marching through the Negro section in celebration of the Soviet holiday is abhorrent to the minds of the Southern people." He said, however, that he would refer the matter to the council, and left for Georgia to see his sick mother. The committee was to come back the next day at two o'clock, the parade being scheduled for that afternoon.

Acting Mayor Thompson told the committee on the seventh that the council had refused to give permission for a parade. The police were mobilized, riot guns and fire-hose were prepared, and the American Legion was asked to volunteer fifty men. By six o'clock the Labor Temple was jammed, and there was a large overflow on the street in front, but according to the lieutenant in charge there was no line-up for a parade. A detachment of police arrived and attempted to disperse the crowd, telling them there would be no parade; then a cigar worker named Felix Marrero "came bouncing out of the building and on to the sidewalk" and according to police witnesses yelled that there was a telegram from the Governor and that there would be a parade. Suppressed, he fought and was hauled off to jail covered with blood, leaving behind him a small free-for-all in which the bullet and the brick mentioned at the beginning of this story struck Officers Byrd and Wilson from somewhere in the crowd.

Reinforcements pushed the people into the Labor Temple and

cleared the street. A boy selling the *Daily Worker* was shoved; he yelled and was arrested; his mother objected and was also arrested, and a passerby named Jose Campo, by occupation a traveling salesman, came to the aid of the woman and was arrested, too. A detachment wedged its way into the Temple and arrested everybody on the platform and anybody else who protested. One of the speakers, Carlos Lezama, was armed, but his gun had not been fired. A red flag, a poster inscribed "Black and White, Unite and Fight", and other banners and literature were also taken to the police station, then McDonald was picked up at home. Total number of arrests, seventeen including two women and two minors, a girl and a boy. The *Tampa Tribune* reported the affair as a "clash between police and Communists." Mayor Chancey blamed outside agitators. County Solicitor Skinner announced that he did not know what charges the State would make against the militant reds, but that whatever the charges, they would be in the jurisdiction of the Criminal Court. Bail was set at \$10,000 each.

In the next two weeks there were four protest strikes and more arrests were made. Manufacturers organized a Secret Committee, and on November 27 the readers' stands in the factories were dismantled, because "all the trouble has been originating from anarchistic publications poured into the workers. . . We had agreed to allow . . . the reading of informative articles or educational books . . . but the abuse of this privilege has obliged the manufacturers to retire it immediately." A walkout followed. Next day a seventy-two-hour strike was called involving 10,000 workers. Business in Ybor City shut down for the period of the strike. The strikers insisted that the prisoners and not the readers were the issue. When they returned to work they were met with a lockout, for, as the *New York Times* stated, "the stock for the Christmas trade had already been made and there was no particular rush for more cigars." Neither did the manufacturers, who must certainly have known that a strike would follow their coup, feel themselves obligated any longer to support the relief program of retaining workers through the slack period.

The factory doors were shut for two weeks, during which time there were some rioting, many arrests, and a raid on the union headquarters, police confiscating its files, membership books, and two cigar boxes containing \$750 which had been collected for the defense of the prisoners. The secretary, Jose Ferras, who had been on the union's pay roll, was deported for vagrancy, and the

chief of police announced that the union's membership lists "will possibly be of interest to the federal immigration department, because I am convinced that many aliens are enrolled with the reds and wholesale deportation proceedings may be the outgrowth of the government's investigation."

They were, and two days later Federal Judge Akerman signed an injunction for Jerome Regensberg (Admiration—the Mild Cigar) outlawing the union and restraining "persons named and others" (over a hundred named) from "inciting riotous assemblies in or near the cigar factories or at other places for the purpose of in any way interfering with the free and unmolested conduct of the business of said cigar factories." On December 12, a committee of five appointed by the Mayor announced the condition upon which the factories reopened: open shop; no reading; no distribution of literature or passing of notes; no speeches; no collections for any purpose except relief of workers in distress, and only by permission of factory managers for workers known to them.

The fifteen prisoners were tried in January and the two minors were turned over to the Juvenile Court. The list includes Spaniards, South Americans, Cubans, Mexicans, one American (McDonald); two women, aged Francisca Romero Palacios, widow of Mexico's great pioneer labor leader, Ricardo Flores Magon, and her daughter, Carolina Vazquez, mother of a family of young children, the youngest a year old. They range in shades of political opinion and labor activity from Jim Nine, the leader to Jose Campo, the passing traveling salesman, including bewildered individuals of the rank and file such as the Spaniard, Cesareo Alvarez, who "came to this country at the age of eighteen . . . and has never been arrested before. He used to save \$2 or \$3 a month to maintain himself and his family when old and unemployed . . . lost all his money (\$2,000) when the banks went broke. His wife told him she was starving, his sons are blacklisted, the landlord is going to evict them . . . and he got a fit . . . and instead of medical attention got the sweat-box." He was later sent to the Chattahoochie State Hospital for the Insane and eventually deported to Spain leaving his family in the United States.

They were all tried together for assault with intent to commit murder (Officer Byrd) and simple assault (Officer Wilson) under a venerable Florida statute which provides that all persons on the scene of a riot who do not aid the police are guilty of whatever happens to a policeman. Thus the mere *presence* of the de-

fendants at the Labor Temple on the night of November 7 was *ipso facto* evidence of guilt, and the trial became an investigation of who was the most militant in the union—in other words, the defendants were tried for communism with much emphasis on the “Black and White, Unite and Fight” theme. Example of cross-examination: “isn’t it true that the International Labor Defense is defending nine Negroes in Alabama who assaulted two white women?” (The question referred to the Scottsboro Case).

It was taken for granted that they were all guilty. Seven of the defendants were merely listed, and there was no effort even to prove that they had indeed been present at the fracas. The question was which of them were the most dangerous to cigar interests, and the sentences therefore divided the fifteen into three groups: Jim Nine, Lezama, Bonilla, and McDonald, known leaders, were convicted on the first count (Officers Byrd’s shoulder) and were given ten years—chain gang and hard labor; the Spaniards Alvarez and Marrero, the only one of the fifteen seen to do any fighting, three years; the rest, including the women, one year, some at the State farm, some in the county jail, some in the chain-gang. They appealed their case but the State Supreme Court has not yet, in March, 1933, heard the appeal, partly because the defendants have no money for attorney’s fees and their relatives are accused of “racketeering” in the *Tampa Tribune* for trying to collect some. They and their families are of course in extreme want. A cigar worker writes to the International Labor Defense: “We used to give some money to their families but we can’t afford to now, but the families are willing to suffer if we can give some to the prisoners.”*

It’s a grim story. Grimmer still is the sequel. It makes terror a dull word with which to describe what is happening in Tampa, spreading over the whole state of Florida, and engendering a mighty terror which is being translated into laws. These laws are aimed first against militant aliens and Negroes, putting them wholly at the mercy of any sheriff, any judge, any federal immigration agent, any paid informer; they are aimed next at citizens guilty only of poverty and a sense of their civil rights as workers and as human beings; finally they are aimed at sympathizers and defenders of the oppressed. Your sympathy, openly expressed in the city of Tampa, is worth thirty days in the chain-gang.

* The facts thus far are those given in the Nation article of December 7, 1932. The remainder of the pamphlet was especially prepared by Anita Brenner and S. S. Winthrop for the organization sponsoring this publication.

Year before last the story of fifteen prisoners meant much in the lives of ten thousand cigar-workers. Today that story involves us all. Yesterday; Florida. The victims: Aliens, Negroes, fighting labor leaders and innocent bystanders. Tomorrow: Here. The victims: You and I.

Letters from Tampa residents give a shocking picture of what raw nerves and the economic pressure of cigar profiteers have done, and are doing, to the people who provide the basis of Tampa's well-being. One correspondent, who begs for his own protection to remain anonymous, gives details unknown until then to the writers. Details which are corroborated by the International Labor Defense with this telegram among many: GORDON AND CRAWFORD DISCHARGED LAST NIGHT BY ORDER OF FEDERAL JUDGE KIDNAPPED AS THEY LEFT JAIL ABOUT ONE TWENTY O'CLOCK IN POLICE CAR TAKEN TO THE COUNTRY ABOUT FOURTEEN MILES AND HORRIBLY BEATEN AND LEFT ON GROUND NUDE GORDON'S RIGHT ARM BROKEN BOTH NOW IN MUNICIPAL HOSPITAL IN SERIOUS CONDITION.

This is what happens outside the jails to people whom even the Florida law cannot hold. Inside the jails—take a look at Cruz and Cabrera, on the chain-gang at Indiantown, working under conditions which the Handbook of Prisons euphemistically describes as “the worst”, which means twelve and fourteen hours under the blazing sun, on slop food, caged at night. Cruz's hands are raw and bleeding from eczema, Cabrera can't stand the pace, slackens, is put in the sweat-box. It is Florida's idea of “solitary” and its “humane” substitute for flogging, though the flogging also goes on. Cabrera is so sick and weak that there isn't much between himself and a coffin. A sympathetic cook brings him bread and water—another cook reports him—the prisoners protest—there is a fight—and more sweat-boxes are requisitioned. The prisoners go on a hunger strike, refusing to talk to inspectors sent to investigate until the men in the sweat-boxes are released. Meanwhile they are kept in a ring with automobile headlights trained upon them, and between the headlights, machine-guns. When the strike is over, more prisoners are put in the sweat-box and Cruz, blamed for the incident, is accused of “attacking” a cook, and is shifted to the county jail.

What happens in the county jail is reported as follows by Jim Nine: “Carlos Lezama cut his throat with a razor in one of the prison cellars, to end suffering.” (he has been tortured by having

his testicles twisted). "He was sent to the Chattahoochie Hospital for the Insane where they will probably give him the 'Black Bottle'. (He was recently taken from the hospital, without giving the International Labor Defense a chance to protest, and secretly deported to Paraguay). Another worker, the one they say tried to kill a camp cook, is in solitary confinement which is still worse than the sweat-box, and is also going crazy. Marrero, another worker, is forced to wear chains, because he cannot finish his 'amount' of the backbreaking work given him. . . . Write more and more for our defense . . . show the Tampa lynchers that we are not alone."

Within a week the International Labor Defense notified the writers that both Marrero and Lezama had been transferred to the State Hospital for the Insane; then, that Cesareo Alvarez, the first of the prisoners to be driven mad by the brutality of his jailers, had been suddenly and secretly deported to Spain; even his wife was not notified. In January, nine of the prisoners had served their one-year terms. All but the two women were deported at once.

The publicity given the case forced inquiry into why the motion for appeal had not been granted. It was revealed that Judge Petteway, who had sentenced the prisoners originally, was refusing to take action on the ground that the records of the case were "incorrect". He claimed that because the recorder had been chosen by the defense, though paid by the state, the transcript he had made of the trial was therefore incorrect, and he wished to *make changes* in this record before performing the small technical duties which were necessary if the case was to reach the State Supreme Court.

Meanwhile, with the nine one-year prisoners disposed of, with Marrero, Alvarez and Lezama insane, and two of them deported, only three prisoners remained. McDonald, Bonilla and Jim Nine, all three with ten year sentences to serve. Nine was then deported to Mexico, without notification to his friends or the lawyer representing him for the International Labor Defense. It is to be expected that the same measures have been or will be taken against Bonilla, unless he is disposed of like Alvarez and Marrero. The defense must be prepared to take action the moment deportation proceedings are instituted against Bonilla. But, if Bonilla is deported, the entire case will pivot upon McDonald, and, since he is an American citizen and cannot be deported, he is in the gravest danger so long as he remains in jail as a living reason for public indictment of Tampa. Death by "heart-failure,"

“suicide,” or at the hands of a guard or “another prisoner” in “self-defense,” are all possible alternatives. He has already had to undergo a considerable amount of vicious discrimination, precisely because he is an American citizen and a “traitor” to the Jim Crow mind. In Tampa County Jail, McDonald sums up the present status of the case as follows: “A mandamus has been secured from the Supreme Court requiring Judge Petteway to show cause as to why our appeal is being held up by his refusal to sign the bill of exceptions. In order to secure this court order it was necessary for our lawyer to make a trip to Tallahassee and considerable expense was involved. For several months this action was delayed on account of lack of funds and I believe that it was due to the attention called to the case . . . that legal machinery was finally set into motion. The case is so plainly a frame-up and so entirely without legal foundation that I have always felt it must surely collapse immediately if we could ever get it taken out of the County Court.”

His judgment is upheld by academic legal authority in the following report on the case in the *International Juridical Association Bulletin* for September 1932: “The defendants were presumed guilty merely by reason of their presence at the scene of the shooting, and were not allowed to rebut this presumption.”

The defense of McDonald and Bonilla is the first, supremely important but only the first, step to be taken in dealing with the terror in Tampa. The authorities and the cigar-manufacturers feel that by jailing and deporting the most active leaders in the cigar-workers' union they have won the struggle. It is an old story and a finished story, in the view of their spokesman, the *Tampa Tribune*. But they have found that the violence done upon a mere fifteen out of the 7,000 union members aroused so much horror and protest among their fellow-workers that either they must free the prisoners, or do violence wholesale, and the latter has been their choice. It is carried out in the following fashion: First, “unofficial” flogging and tar-and-feather parties; second, semi-official floggings followed by jail, on any one of a number of framed charges; third, deportation on charges of “being a Communist” or on vagrancy charges if proof of labor activities is insufficient; and finally, most recently, one to five months chain-gang sentences under a recent Tampa City ordinance providing that penalty for Communists, the Constitution of the United States notwithstanding. Thus the number of victims has multiplied until now it can be estimated in the hundreds. Cases involving one or all

four of these illegal and vicious methods occur daily. Letters, telegrams, newspaper clippings reporting these outrages pour into the offices of the International Labor Defense, which must cope also with similar brutalities throughout the entire South, on account of the race jingoism aroused by the authorities around the Scottsboro, the Herndon, and Carlock cases.

The persecution in Florida is directed mainly against persons thought to be "radicals", labeled indiscriminately "Socialists, Communists, Anarchists" in the jargon of the Southern press, and against Negroes, Spaniards, Italians and Spanish-Americans who happen to be out of a job and are therefore "vagrants". Extremes of brutality are reserved, as might be expected, for persons known to be labor leaders active in other than A. F. of L. organizations, and for persons thought or known to be Communists or Communist sympathizers .

It is a fundamental rule that whenever and wherever violence is employed as a weapon for suppression of political minorities it soon comes to operate upon larger and larger sections of the population. Every time one victim goes down, two rise in his place to be struck down in their turn or to carry on the struggle and the process culminates in a reign of terror which eventually involves the entire population; as witness Cuba, Germany, etc. This is the process that has been set in motion in Tampa, Florida, and its workings are seen in the spread of the terror to new places and new sections of the population. Flogging in Clearwater, Florida, as "unofficial" punishment, carried out by vigilantes, for heading a Colored Welfare League which voiced a protest against racial discrimination in the distribution of flour by the local agents of the Red Cross. Organized vigilantes in Jacksonville are reported to have set themselves a "quota" of one flogging a week, to "discipline" Negroes.

If any section of the working class is more than any other liable to oppression and repression, more open to violence, more desperately unable to defend itself adequately, and least protected by law, then this section must be recognized in the victims of the Florida terror: Negroes and aliens. The theoretical citizenship of Southern Negroes is worth this against the total lack of legal protection that faces aliens—that Negroes may not be deported and therefore, like native white insurgent leaders, must take their chances on the chain-gang, and in the sweat-box. Negroes out of work in Florida, Georgia, Alabama, South Carolina, are penalized for their joblessness—as the *Tampa Tribune* shockingly reports—

with jail at hard labor. They are also exposed to flogging and lynching—sometimes made legal—if it so happens that a crime or an offense has been committed by somebody uncaught. For it is a rule of custom in these sections of the South, to behave as if crimes were committed only by Negroes. Witness Scottsboro, the Crawford case, and uncounted others.

Aliens face the deportation terror. Though in their capacity as men and women they are permitted to work long hours to contribute to the sum of community wealth, in their capacity as aliens they enjoy, at the mercy of the Department of Labor, the approximate status of serfs. They run a constant risk of deportation—even on the sole suspicion of unorthodox political opinions—which, in the cases of thousands who have grown up in the United States and know no other country, signifies a complete catastrophe. Cesareo Alvarez, the Spaniard, was separated from his wife and children by deportation because they were of American birth and he was not. Jose Abrantes, one of the leaders of the Tampa Tobacco Workers Industrial Union, had been brought to the United States when he was a few months old, and had lived here his entire thirty-seven years, but he was nevertheless deported to Cuba. Many hundreds of workers have been literally smuggled in by their employers in periods when labor was short, and are therefore innocently guilty of illegal entry and ineligible, therefore for citizenship. Another reason for the failure to obtain citizenship papers is the fact that an enormous majority of these workers are illiterate, for which they cannot of course bear the blame, but this closes the doors of American “protection” to them.

Membership in a union, and the protection that implies, is often, and especially in the case of A. F. of L. unions, closed to them. And when, as in Ybor City, they joined with each other to form a union of their own, it was immediately smashed by the injunction method. Yet the small A. F. of L. cigar-makers union in Tampa allowed the Ybor City union to be smashed and even hastened to state publicly that the Ybor City union had no connection with the A. F. of L., which the press immediately interpreted to mean and stated it meant that the T.T.W.I.U. was not “respectable” labor but the “creation” of “red agitators” from New York. The union was furthermore implicitly outlawed by the Federal Immigration agent, S. B. Hopkins, who, with the confiscated membership lists in his hands, announced in the *Tampa Tribune* and the *Tampa Daily Times* that “an alien who attends to his business will not be molested by the immigration department *although* his name

may be on record as a member of the Tampa Tobacco Workers Industrial Union, but the minute he takes part in unlawful activities he becomes liable to arrest, and on proof of such activities he will be deported. (*Italics ours*). Obviously what is meant by "unlawful activities" are all the activities specifically proscribed by the Regensberg injunction—including meeting for purposes of labor organization, addressing fellow-workers in the shops, taking up collections for relief. The *Tampa Tribune* clarifies further by stating: "It is known that most of the active leaders of last fall's (1931) trouble in Tampa will be deported. The Department of Labor at Washington has backed Hopkins in every particular."

The picture is complete with the report of an Ybor City resident upon conditions prevalent now as well as a year ago, when it was written: "The immigration authorities still visit the houses. They now have headquarters right in the Latin section besides in the postoffice buildings. When people are visited, as they don't speak English, when a paper is found in the house, they are frightened . . . every day at least 50 people are intimidated. Many are picked up at a moment's notice. They are deported 10 and 12 at a time." And the heroic details of the picture are to be found in the spirit of the persecuted workers, who, with thousands out of work, and food meagre in every home, nevertheless take upon themselves, and perform, the human duty of supplying the prisoners with good food, cigarettes, and the other small things so important to men in jail; this, in spite of the fact that all kin and friends of the prisoners are boycotted, and risk jail themselves or deportation for showing the sympathy they must feel; and that collections must be taken up under cover, and under the noses of spies.

The meaning of these conditions is that the United States has a Cuba within its borders, and the situation in Tampa now brings strikingly to mind the first steps taken against unions by the vice-president of the Electric Bond and Share Co. in Cuba, Gerardo Machado, Dictator. Such first steps are inevitably followed by more and bolder steps. In Cuba, the smashing of the unions and the execution of their leaders, Communist and otherwise, brought in brief enough time the jailing and execution of protesting students, the jailing and execution of writers and editors even of the non-radical press, the closing of the Universtiy, and the present reign of terror. Shark-fishing in Cuba is prohibited because too often human clothing is found in the bellies of the sharks and

identified as belonging to "missing" labor leaders, students, and writers. It is a picture that also brings to mind the Fascist regime and its actions in Germany. In the United States, too, violence upon Negroes and aliens carries in it the seed of violence upon the children of aliens, and this threat must be especially noted and reflected upon, by religious, racial and other minorities.

The first step toward unloosing jingoism in Florida was made for the benefit of cigar manufacturers. The next step is the unofficial terror of Secret Committees (on which the Mayor is said to have served) and flogging and tar-and-feather gangs (for which police cars are reported to have served). The third step is the official co-operation of the immigration agent and the Department of Labor in the job of making the cigar-factories safe for wage-cuts. The fourth step is the violation of the political rights of citizens by law: an ordinance setting a sentence from thirty days to six months in the chain-gang, for "Being a Communist and found in the city of Tampa."

This recent ordinance, 487 A of the Municipal Code, has been invoked for the jailing of Homer Barton, American citizen, Communist. It is entitled: "An ordinance making it unlawful for any common beggar, any common prostitute, any habitual disturber of the peace, any known pickpocket, burglar, thief or watchstuffer, any anarchist or other person or persons advocating the overthrow of government by force, any person or persons who practice any trick, game or device with intent to defraud, any known narcotic addict, and persons who ride on trains without permission, commonly known as hoboes, or any suspicious person who can give no reasonable account of himself, to be found in the city of Tampa, Florida." It specifies penalties of a fifty dollar fine or imprisonment in stockade at hard labor, or both, up to thirty days for the first offense, mandatory ninety days for the second offense, and mandatory minimum of a hundred and fifty days and not more than six months for later convictions.

Homer Barton was sentenced to the chain-gang under this ordinance. His attorney moved to quash the indictment on the ground that the ordinance was unconstitutional. His motion was overruled. Barton served five days, and was released on the ground that the specific charges against him as made on the police blotter "Being a Communist and found in the city of Tampa," were not contained in the ordinance. He was arrested as soon as released, by the county authorities; held, released on habaes corpus, arrested again by the state authorities, released on habaes

corpus, and re-arrested by the Federal authorities, but released because there was no law to cover his arrest. While he was in jail the *Miami Herald* stated the case clearly in an editorial: "Chief Logan has been trying to convict Barton for more than a year. Evidence was offered showing he was sent to Tampa by the Communist organization in New York and gave out circulars *advocating social equality for Negroes*. (Italics ours). It is hoped Federal officers will take up this case before the expiration of his term." The same editorial goes on to expound the nature of Florida justice by contrasting Barton's case, who was given "only" five days for advocating social equality for Negroes, while another man was given ninety days for stealing three pairs of socks in order to see what jail was like, because he wanted to write a book. The *Miami Herald* concludes that the writer deserved his sentence, only that Barton should have gotten an immeasurably heavier penalty.

It is easy enough to be shocked, in a superior way, by benighted Florida; but it must be remembered that two bills, the Dies and the Eslick bills, providing for virtually the same methods and penalties for the same offenses, are now before Congress. And that in Tampa and the rest of the South large posters are fastened to the doors of the county court-houses "warning" local attorneys to beware of defending "reds". Signed, AMERICAN VIGILANTES.

The terror in Tampa is a grave challenge to all free minds. It involves:

1. The right of labor to organize for its economic advancement and protection.
2. The use of the Department of Labor against workers and for the benefit of special interests.
3. The rights of Negroes; violated by customs and ordinances prescribing jail for the "offense" of unemployment, and chain-gang sentences for "vagrancy."
4. The right of alien workers to protection as workers, and the question of whether aliens have or have not any civil rights under American law; and whether the Department of Labor has the right to tear families apart, uproot useful residents, with the moral certainty that in some cases they are being virtually condemned to death.
5. The right of political prisoners, heretofore unfamiliar in the United States, to be recognized as such, and to be given the status and privileges traditionally theirs; as

against the practise of charging prisoners openly held for "Communism" with offenses such as assault, assault with intent to kill, etc.

6. The rights of all prisoners under the regulations which prohibit cruel and unusual punishment, violated every day of the year in Southern chain-gangs to the point of death, recorded as "suicide," "heart-failure," etc., and not easily subject to investigation.

It is the duty of every worker, every intellectual, every person of fair mind, to uncover and publicise the truth in situations such as the terror in Tampa; to protest, organize and agitate against it; and to aid and support the victims of the terror and their dependents. Today, Florida. The victims, Negroes and aliens. Tomorrow, Here. The victims, You and I.

THEREFORE,

PUBLICISE by giving this pamphlet as wide a circulation as possible.

AGITATE in your own immediately locality and **ORGANIZE** local **TAMPA DEFENSE COMMITTEES** for the purpose of spreading the activities and financially aiding the victims of the terror.

PROTEST, by letter, post card, telegram. Send your protests to the manufacturers of Tampa cigars, to the Mayor of the City of Tampa, to the Governor of the State of Florida, to the Secretary of Labor at Washington, D. C.

CALL LOCAL MASS MEETINGS, uncover the truth and help arouse public opinion for the defense of the people now involved and in **SELF DEFENSE** against future developments of Fascism, jingoism, anti-labor, anti-Negro, anti-alien, anti-Communist, anti-Socialist, anti-liberal violence.

SEND YOUR CONTRIBUTION to or call for additional information and pamphlets at

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