
Conflict in the Central Executive Committee of the Workers Party. † [circa March 1924]

A document in the Comintern Archive, f. 515, op. 1, d. 199, ll. 87-100.

The conflict in the CEC of the Workers Party arises out of a variance of conception of tactics. ~~and out of personal issues.~~ ‡ It antedates the formation of the Federated Farmer-Labor Party on July 3, but found militant expression after that date.

Negotiations for the formation of the Federated Farmer-Labor Party were conducted by the Political Committee of the CEC. Being in New York and too far away from Chicago to conduct them personally except at stated intervals, the Foster group claimed that the former CEC was unable to follow the changes of attitude and the process of background and history on the part of Fitzpatrick and Nockels of the old Farmer-Labor Party, who called the conference at which the Federated Party was formed. The Chicago Federation of Labor, of which Fitzpatrick is president, was threatened with expulsion from the AF of L if it continued its activity against the decisions of the AF of L, which is against an independent labor party, against Soviet Russia, and similar militant measures. The Chicago comrades declared that the manner in which the negotiations were being conducted was endangering the whole affair and threatened to defeat the formation of the Federated Party. The Pol. Com. of the Party allowed the Chicago comrades to procure information, but to take no action. The Chicago comrades complained that the CEC did not appoint a single Chicago comrade to the negotiation committee, although they were the only ones really competent to appraise

the situation.

Despite this controversy, the whole former CEC and the membership of the Workers Party generally acclaimed the formation of the Federated Party as a first-rate achievement. A week later, according to a letter from Foster, he realized that a fearful blunder had been made, since propagation of the Federated Party meant, in his opinion, splitting of the whole labor movement. The issue of a general labor party had been transformed into a Federated Party issue. As the Federated Party was appraised by its enemies as a disguised Communist Party, the issue became one of for or against the Communists. Against the opposition of Foster and others, the former majority of the CEC — Ruthenberg and Pepper — insisted that affiliations to the new party be sought in all trade unions, irrespective of whether they were affiliated to the old Farmer-Labor Party lead by Fitzpatrick and others or not. The CEC issued a thesis on the Labor Party (written by Pepper), which pronounced the formation of the Federated Party a victory for the Workers Party and took issue with three groups of opponents to the Federated Party. Two of these groups are the former Leftists, who object to the Labor Party on principle, and another group (not styled, but apparently the group that united with the Communists in forming the Workers Party) which feared the responsibility entailed in directing the new party. The third group was the “trade union” group, which feared the loss of support to the work of

†- The word “Secret” is hand written in Russian at the top of the first page, along with some illegible archival notations. This document was prepared by an unknown source in the WPA’s leadership as a background history for benefit of the Presidium of the Comintern, which was being asked to set party policy with regard to the Farmer-Labor party movement and the position of the WPA in the Presidential election campaign of 1924. The document seems to have been written in fairly “even” terms by a partisan of the Foster-Cannon faction and then amended by hand by a partisan of the Ruthenberg-Pepper faction.

‡- This fragment and all subsequent strike-throughs were crossed out by hand in the original manuscript.

TUEL from the progressive trade union leaders, who hitherto had stood by the Communists in all their campaigns. This trade union group was concentrated in Chicago, hence it was a conflict with the Foster group. The CEC thesis accuses the Chicago comrades of not raising the issue of the Federated Party in unions affiliated to Fitzpatrick's old Farmer-Labor Party; of holding no meetings after the July 3 convention; of introducing a resolution at the convention of the Illinois Federation of Labor for independent political action, but not for a Labor Party. The CEC accused the Chicago comrades of placing too much confidence in such leaders as Hillman, Fitzpatrick, etc. It charged them with holding up decisions of the CEC for weeks, during which negotiations had to be conducted with them in order to obtain action.

The opposition of the Foster-Cannon group, which was later expressed in a letter to Losovsky and a lengthy statement, had the following main points: (1) Raising the issue of the Federated Party is to split the labor movement; (2) The Federated Party has obtained only a fraction of the affiliations expected — 145,000 members; (3) The Labor Party issue is much broader than the Federated Party, which represents only the Left Wing; (4) The Federated Party is a dual union movement on the political field; (5) The Federated Party must not be organized as a separate party but as a propaganda organization for the formation of a comprehensive farmer-labor party, serving in the same capacity as the Trade Union Educational League in the industrial field; (6) That the argument made by the majority group to the effect that the Federated Party must be transformed into a Communist mass party is fallacious, since that is the function and aim of the Workers Party.

These apparently were the arguments made by the Foster-Cannon group in the heated discussion in the CEC, which were answered in the August thesis of the majority group, Ruthenberg-Pepper. The latter maintained that it was utopian to expect the whole labor movement could be embraced in a labor party in its initial stages and that it was contrary to historical experience in all countries. That it was a mistake to transfer the idea of dual unionism to the political field, since that would prohibit splits in Social Democratic parties and the formation of Communist parties. That to refuse to seek the growth of the Federated Party

and to wait for the time when the big masses would be ready to form a labor party would threaten the Workers Party with being outside the mass movement. On the contrary the Communists must increase the size of the Federated Party and use it for creating a mass party, employing varied tactics — seeking affiliations to the national party, forming local parties, seeking endorsements of the Federated Party, etc.

At this point it must be stated that the Young Workers League, which had delegates at the convention of the Federated Party, was not allowed to affiliate (this was later withdrawn). It was also charged with taking part in the factional fight by lining up with the Foster-Cannon group against the majority of the CEC of the Workers Party. The National Executive Committee of the [Young Workers] League declared that as the matter was under discussion, they, as Party members, had the right to take a position.

Discussions on the question continued from August till November, when the CEC prepared new theses on the Farmer-Labor Party to present to the Party convention in December.

In the meantime the political situation was changing. A big movement for the formation of a "third" petty bourgeois party under the leadership of Senator LaFollette got under way. The "revolt of the farmers" against the ruin that was staring them in the face, against which the Coolidge regime was doing nothing, was one of the mainsprings of the movement. In the state of Minnesota, in particular, the farmer-labor party movement (not of our Federated Farmer-Labor Party) was very strong. US Senator Shipstead had been elected by the farmer-labor element there, and in November of 1923 that old farmer-labor element succeeded in electing a second US Senator, Magnus Johnson. The Republican Party, through its unskillful leadership and bad politics, lost 7,000,000 votes as compared with the elections of 1920, a good part of which went over to the farmer-laborites. The Progressive Bloc in Congress, composed of the so-called radicals, farmer representatives, etc., held the balance of power both in the Senate and the House of Representatives, with LaFollette as the accepted leader.

The composition of the third party movement is as follows: ~~The backbone of the movement is made up of industrial workers and small exploited farmers~~ The backbone of the movement are the middle class

and petty bourgeois oppressed by the trusts and the financial kings of Wall Street. Since the overwhelming majority of the population in the US are wage-earners and rapidly pauperized farmers, the leaders of this proposed third party, like those of other bourgeois parties, seek to secure and do receive the support of the un-class-conscious bulk of the industrial and agricultural toilers of USA. Along with these, they are supported by middling and well-to-do farmers (the latter having their general complaints against the Republican regime). There are also tradesmen, liberals, intelligentsia, small country bankers, etc., in the party. The leadership is completely petty bourgeois.

At the same time a boom for Ford for President arose and seemed destined to threaten the leadership of Senator LaFollette. This boom burst, however, when Ford took a stand for Coolidge, so that the whole leadership of the third party movement concentrated upon LaFollette.

The November thesis of the majority group is a modification of the August thesis. It no longer argues for the transformation of the Federated Party into a Communist mass party. It points out the successes that the class farmer-labor party movement has attained, in the organization of two branches — one in New York City with 60,000 members, another in a Pennsylvania county. It mentions the South Dakota Farmer-Labor Party as being willing to cooperate with the Federated Party. It emphasizes the argument made in the August thesis that the whole labor movement will not participate at first in the formation of a labor party, and that the left wing, as embodied in the Federated Party, must be strengthened. To effect this end, diverse tactics are recommended.

It also points out the significance of the third party movement under Senator LaFollette. The Conference for Progressive Political Action, now composed chiefly of the leaders of the railway and machinists unions and the Hillquit Socialists, have held a conference with LaFollette and have decided to support him and the third party movement.

What shall be the attitude of the Communists to the Farmer-Labor Party and the bourgeois third party? The November theses answered: The Communists must use all means in order to strengthen the

class party. It shall enter into no organizational unity with the third party, but shall conduct joint campaigns with it on distinct issues, such as maintenance of civil liberties, recognition of Soviet Russia, nationalization of the railroads, etc. It shall enter into alliances with it during election campaigns, varying according to the local and state conditions. At all times, the third party must be mercilessly criticized for its half-measures and illusions that the class struggle can be won through democratic measures.

Foster-Cannon declared that the policies outlined in the thesis were a repudiation of those elaborated in the August thesis. Foster, in a letter to Losovsky, declared that the change in tactics — in making them more flexible and not insisting upon raising the issue of the Federated Party, but of the labor party in general, was due to his criticism. After a declaration was made by Pepper as to the interpretation of the thesis, Foster withdrew his thesis (the statement) and the majority thesis was adopted by a vote of 21 to 5, the latter being the Leftists in the old CEC, who were against any and every labor party.†

The thesis was then submitted to the Party membership for discussion prior to the Party convention. Within a short time, the section of the thesis calling for support or alliances with the third party aroused the antagonism of a few members of the CEC, who had voted for the thesis. Comrade Lore, editor of the *Volkszeitung*, was the leader of this group. During the party discussion, in the press and at the district convention in New York, he endeavored to defend his position by referring to the tactics of the Bolsheviki who supported bourgeois parties only in revolutionary situations. Such a situation was entirely absent in the US and therefore the Communists could not consider such alliances. The Finnish Federation, a section of the Jewish Federation, and some of the English comrades of the Workers' Council group who joined with the Communists in forming the Workers Party in 1921, as well as a few leftists, took the same stand. The opposition to the thesis was concentrated in New York. At the district convention in New York, the thesis passed only by a vote of 62 to 60. Chicago adopted it unanimously.

The section of the thesis which applied to sup-

†- Opponents included Alfred Wagenknecht, Edward Lindgren, and Rose Pastor Stokes.

port or alliances with the third party — concretely LaFollette — was not discussed at the Party convention. Foster wrote that Lore tried to win him over to rejecting the clause, but he refused since he was in favor of it. Foster insisted upon the matter being discussed and then being referred to the Comintern for decision. When the clause came up for discussion, Pepper suddenly moved that it be not discussed, but be referred to the Comintern without further ado — which was adopted. This antagonized the Lore group, who, although they sympathized more with the Pepper-Ruthenberg group, turned their votes from then on to the Foster-Cannon group. Although no vote was taken on the clause, Lore admitted in the *Volkszeitung* that two-thirds of the delegates favored it.

After the Workers Party convention, the class farmer-labor party [FFLP] and third party movement took another turn. The CEC learned that the Minnesota Farmer-Labor Party intended to call a national convention for the formation of a National Farmer-Labor Party. No party is better fit for such a task, owing to the strength it has and the prestige that it enjoys. The CEC got into touch with the leaders of the Minnesota party, which agreed to call a conference of all state farmer-labor parties and other national groups interested. Among the latter is the “Committee of 48,” which represents only itself organizationally, but has considerable influence among the liberals in the country. Among them is Oswald Villiard, editor of *The Nation*. Agreement was arrived at at the conference between representatives of the CEC and the leaders of the Minnesota Party. The Minnesotans, however, stated definitely that our Workers Party could not be admitted to the conference, but they agreed to our Federated Farmer-Labor Party participating. At the conference between all the interested groups, a call for a national convention was drafted and issued and a committee appointed to approach the convention of the old Farmer-Labor Party and of the Progressive Party of Nebraska, of which [W.H.] Green, delegate to the congress of the Peasants International, is the Vice-President. It was decided to convoke the convention at St. Paul on May 30 [1924]. The old Farmer-Labor Party refused but the Nebraska party consented to participate.

The Republican Party selected June 10 as the date of the date of its convention; the Democratic Party

decided to call its convention on July 4. Senator LaFollette, who has remained in the Republican Party and refuses to resign from it, started a movement among the Minnesotans to postpone the convention of the proposed National Farmer-Labor Party till after the Republican and Democratic conventions. The reasons was obvious; as stated recently in the *New York Times*, LaFollette is ready to assume the leadership of the third party only in case the Republicans nominate a reactionary. This will ensure a good showing for the third party. The nomination of a “liberal” by the Republicans, on the other hand, would ruin the third party’s chances. A letter published in the *Farmer-Labor Voice*, organ of the Federated Party, from Frazier, member of the Non-Partisan League, and a member of the Progressive Bloc in the Senate, to the chairman of the North Dakota Farmer-Labor Party, which cooperates closely with the Federated Farmer-Labor Party, contains the following:

“I do not feel, however, that much advantage would be gained by postponing the National Convention at least until after the Republican Convention is held. I talked this matter over with Senator LaFollette a short time ago and he was of that opinion at that time. However, circumstances alter cases and it is hard to tell just what will develop in the near future.”

It was soon discovered that the chairman of the Minnesota Party was consulting with LaFollette and was inclined to postpone the convention till July 4. The Conference for Progressive Political Action met on February 12 and, after considerable ineffectual debating, decided to call their convention on July 4. The question as to whether they would nominate their own candidates or endorse a candidate of one of the big capitalist parties was answered by Hillquit, the Socialist, to the effect that they were committed to nothing. After the conference, the representatives of the railway unions held a separate conference, to consider the matter of endorsing McAdoo, the presumptive candidate of the Democratic Party.

The petroleum scandal, coming at a time of considerable political unrest, was having a most deleterious effect on the Republican and Democratic parties. The investigation of the Teapot Dome oil lease to Sinclair and Doheny, two prominent oil operators, was being conducted by LaFollette. Big graft and corruption was being unearthed. The details of this exposure are well known. The Ex-Secretary of the Interior Fall

accepted a bribe to hand over the Teapot Dome oil fields to the oil speculators. Denby, Secretary of the Navy, who was involved, was forced to resign. The Department of Justice was involved. Daugherty, head of the department, has been forced to resign. Senators, Congressmen, Wall Street brokers, newspaper men are all implicated. A huge scandal has been uncovered, which will ruin the reputation of many men. McAdoo was the attorney for the Doheny interests and accepted \$250,000 as a fee, with the possibility of his receiving \$1,000,000 if the schemes that Doheny had in mind were realized. This involved a revolution in Mexico and American intervention. McAdoo immediately resigned as Doheny's counsel as soon as his complicity was made public. As he was the prospective candidate of the Democratic Party, the question before the railway unions was whether they would endorse him in view of the scandal.

At the subsequent conference, the railway union representatives issued a public statement exonerating McAdoo from all blame and supporting him for the nomination on the Democratic ticket. This means that the July 4 convention will not form a labor party, for which the Conference for Progressive Political Action ostensibly was originally formed, but will seek to mobilize large masses of workers to the support of the Democratic ticket. The November thesis of the Workers Party took it for granted that the CPPA would support LaFollette and the third party. The Socialists have since announce that if a labor party is not formed on July 4, they will run an independent campaign and put up their own candidates. Undoubtedly the Socialists are hardly likely to put up their own ticket, for they are too weak. The Secretary of the Party recently resigned, stating that he has been unable to hold the party together owing to the sickness of Debs.† The Socialists are afraid of the risk of making an exceedingly poor showing. They would like to join the Farmer-Labor convention, but their fear of the Communists is so great and their possibility of assuming any leadership in the gathering so slim, that they are constrained to remain outside. The existing conditions,

however, may force them to join the convention.

As already stated, the Minnesotans, at the insistence of LaFollette, tried to postpone the convention till July 4. The CEC of the Workers Party immediately got into touch with the Minnesotans and let them know that they would not consent to the postponement till after the Republican and Democratic conventions. The CEC had decided that, if forced, they would yield to a postponement to a time between the dates fixed for the two capitalist party conventions but not till after the conventions of both capitalist parties had taken place. The reasons as given by Ruthenberg were as follows: (1) If we insist on going through with the May 30 convention, it is very probable that a majority of the parties cooperating with us will be swept into the third party movement. (In an article in *The Liberator*, Ruthenberg writes that all of the state farmer-labor parties have more or less third party elements in them. He enumerates those that we may most [securely] rely upon); (2) We may go through with the May 30 convention, but we will come out of it with the name and shell of a party and will be isolated from the masses. In a resolution Pepper insisted upon the May 30 convention being held provided we could procure the support of several state farmer-labor parties, such as those of Montana, North Dakota, South Dakota, Washington, and the Buffalo Labor Party, even if the Minnesotans refused to participate. In the vote taken on the resolution, Pepper stood alone. Ruthenberg's resolution embodying tactics approaching those of Foster-Cannon and consenting to a postponement of the convention till June 17 was adopted by all votes against Pepper's. (This indicates a first break between Pepper and Ruthenberg.)

It is important to note this fact since, according to indications, the delegation coming to the Comintern will consist of only three comrades, Foster, Pepper, and Olgin — the latter being the representative of the group rejecting all support to the third party. Pepper apparently represents a more extreme point of view than Ruthenberg.)

A conference was held with the Minnesotans and

†- National Executive Secretary of the Socialist Party Otto Branstetter initially attempted to resign his post at the February 24-25, 1923, meeting of the National Executive Committee. He was persuaded by the NEC to stay on board for the rest of the year, submitting his resignation a second time on February 1, 1924. Branstetter was succeeded on February 9 by Assistant Secretary Bertha Hale White.

~~representatives of the other state farmer-labor parties on March 12, where it was unanimously decided to call the convention on June 17. (The Minnesotans had proposed to the CEC to invite two representatives of the CPPA, but the CEC rejected the proposal, which was then dropped.~~

The Minnesotans also wished to combine the convention with that of the CPPA on July 4, but the CEC utterly rejected the idea. The stand taken by the railway unions revealed that the formation of a labor party was remote from their minds. As stated in the November thesis, the acceptance of such a plan would mean the probable exclusion of the Communists altogether from the convention. The idea of postponing the convention till July 4, as proposed by the Minnesotans, even though dropped, shows the real intents of these people. They probably believed that they could swing the July 4 convention over to the nomination of LaFollette rather than McAdoo.

A subsequent conference with the Minnesotans and the representatives of the other farmer-labor parties was held on March 12, where it was unanimously decided to call the convention on June 17. The groups forming the Minnesota Farmer-Labor Party during the following days at their conventions endorsed the call and put up a program demanding public ownership of public utilities; nationalization of natural reserves; governmental banking (to help the farmers); maintenance of civil liberties; etc.

The question that divides the membership of the Workers Party, whether, in case the Communists and the Class Farmer-Labor Party-ites [FFLP] are in the minority at the convention, they shall retain organizational unity with the third party-ites (~~which is opposed by the November thesis of the party~~); or whether, in case they can secure sufficient support, they should split away ~~and form a class farmer-labor party~~, taking along those willing to cooperate with the FFLP. This question as well as [whether the Communists] are to enter the political arena [??] and are to act in the coming election campaign that is being laid before the Presidium for action.

†- Reference is to the August 17-22, 1922, convention of the Communist Party of America held at Bridgman, Michigan. The convention, betrayed to federal authorities by a paid undercover agent-provocateur, was sensationally raided by Berrien County Sheriff George Bridgman in conjunction with agents of the US Department of Justice. The first prosecution in the case, that of William Z. Foster, went to trial in March of 1923, followed by that of Ruthenberg. Both trials were widely publicized in both the labor and capitalist press, prompting Fitzpatrick's remark.

The nomination of a liberal candidate by the Republican Party will completely change the situation at the June 17 convention. The middle-class elements and the weak, vacillating class farmer-labor party elements will desert the convention and endorse the liberal candidate of the Republican Party. This will greatly simplify the matter. A Class Farmer Labor Party will then be formed at St. Paul.

• • • • •

A general statement of party policy was drawn up by Foster-Cannon and Pepper-Ruthenberg. They differ very little. But owing to the factional situation in the CEC, the Foster-Cannon proposals were adopted by a vote of 8 to 3, two members of the CEC being absent in New York.

• • • • •

Another matter, which heightened the factional conflict in the former CEC, and was a point of heated discussion at the Party convention and has been carried over into the new CEC is the following:

As already indicated, the August thesis of the Party pointed out that the trade union group (Foster-Cannon) did not take a militant stand against the old Farmer-Labor Party (Fitzpatrick and Nockels), who sabotaged and split away from the July 3 [1923] convention at which the Federated Party was formed, and denounced the Communists and Communist International. Among other things, Fitzpatrick declared that the Communist Convention was purposely held in Michigan, so that the Communists might stage a sensational stunt. † This was a remarkable statement from Fitzpatrick, since he was one of the first to rush to the assistance of the comrades arrested and is a member of the Labor Defense Council, which was established by the CEC for the defense of the arrested comrades. He also procured the services of Frank Walsh as counsel for the defense. The other charges against the Chicago comrades have already been enumerated. Foster had

to be instructed to write an open letter against Fitzpatrick.

A vigorous attack was made on Foster at the Party convention by Pepper and Manley. (Manley is Foster's son-in-law. He has assisted him in many organizing campaigns in the trade union movement and generally agreed with Foster except on the question of the Federated Party, of which Manley is secretary.) Pepper and Manley accused Foster of having neglected the trade union work, of having no program for the needle industry, etc. Pepper declared that the question of organizing the unemployed should be a major one during the coming period and that amalgamation could not be propagated during a period of depression when the workers are hesitant about changes in organization forms.

Foster defended his activities as industrial organizer of the Party. He declared that amalgamation would have to be one of the main issues for several years to come; and that unemployment was not yet enough of an issue to be a major point in the trade union program. Foster's report and standpoint were endorsed by the convention. The attack on Foster was ~~completely unwarranted~~ in convention on this question was strange. His activities as industrial organizer were always under the supervision and control of the CEC. If any objections to his work were to be raised, it should have been done in the CEC and not suddenly be presented before the Party convention. For if there actually were any deficiencies in his activities, the whole CEC was responsible.

The charges against the Chicago District were embodied in a resolution presented to the Party convention. The Chicago District Committee drafted another resolution against the CEC, which was adopted unanimously by the Chicago District Convention. Just before the Party convention, an article written by Pepper, ~~which by its very nature and in view of the time of its publication was provocative~~, appeared in *The Worker* at a time when the election of delegates was taking place. The article was entitled "How Not to Make the United Front." The article was an elaboration of the CEC resolution and ~~was most caustic in character. The purpose was to undermine the prestige of~~ subjected to severe criticism the position taken by the Chicago comrades on the question of [the] United Front.

The resolution of the Chicago District Convention enumerated the achievements in the United Front policy as practiced in Chicago. ~~The Labor Defense Council was launched in Chicago. The amalgamation campaign was most successfully carried out in Chicago. The work done by the Chicago comrades for the famine relief in Soviet Russia was very extensive. The Labor Party campaign assumed wider dimensions in Chicago than elsewhere. These details of the Chicago argument should not be given if details of Pepper's argument in the above article are not given.~~ [handwritten notation]

The bitterness that existed in the former CEC was raised to a pitch by the CEC resolution. When the two resolutions were presented to the convention, Comrade Lore tried to negotiate with Foster for the rejection of the proposition affording support to the third party in exchange for support of the Chicago resolution. ~~The indignation aroused among the anti-third party-ites by Pepper's motion to refer the Comintern without discussion was, as Foster wrote, so surprising that the support of the anti-third party-ites immediately went over to the Foster-Cannon group.~~ Comrade Lore and other anti-third party-ites strongly disapproved of Pepper's motion to refer the matter to the Comintern without discussion and, as Foster claims, in resentment immediately went over to the Foster-Cannon group on the question of Chicago's way of practicing the United Front. The Chicago resolution was adopted by an overwhelming majority, ~~and from that time the fate of the convention was sealed.~~ Foster-Cannon received seven out of thirteen in the new CEC, with a few in the minority vacillating from one side to the other. (Subsequent voting has been either unanimous, eight to five, nine to four, or when members were absent, eight to three.)

A factional fight began in the new CEC, based on the diversity of opinion as to tactics and to the removal of district organizers in New York and Philadelphia. *Without particulars this is not clear.* [handwritten notation] The Philadelphia District Committee energetically protested against the action of the CEC. The District Organizer of New York also protested that he was removed without any charges of incompetency or inefficiency being preferred against him. There is no indication that his protest was supported by the NY District Committee.

Ruthenberg, although in the minority, was retained as Executive Secretary of the Party. Cannon resigned as chairman and became Assistant Secretary; Foster was elected as chairman in his stead. Pepper, formerly Political Secretary, is still in the Political Committee. Lately he has been elected Editor of the "Lenin Library," an edition of 10 of Lenin's pamphlets most suited to the American workers, which the Party intends to publish.

Edited with footnotes by Tim Davenport.

Published by 1000 Flowers Publishing, Corvallis, OR, 2005. • Free reproduction permitted.