937 ERDER ce 10c main LLAND ritz A. LGREN lya UNIVERSITY OF CALIFORNIA nbourg MO ONEY Lucy RSONS lberto cepcion ong. n Coffee For the Defenders of Democracy in SPAIN and All Labor's Prisoners

May Day Greetings to Labor's Prisoners

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May Day Greetings to Labor's Prisoners

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May Day Greetings to Labor's Prisoners

S. Goldman, N. Y.

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May Day Greetings to Labor's Prisoners

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LABOR DEFENDER

International Labor Defense

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"Socorro Rojo a Mother to Us All"

We present below, with deep pride, a post card from an I.L.D. member now serving in the Abraham Lincoln Battalion of the International Brigade in Spain. It speaks for itself. So does the material on, about and from Spain on other pages of this May Day issue. It paints a glowing picture of hope and courage and inspiration. It makes us feel that we must do more and more to aid the defenders of democracy in Spain.

The International Labor Defense has decided to send another ambulance as a token of solidarity to the men and women of Spain. We want to send it to join the first, as soon as possible. If you were not personally represented in the first ambulance, here is your chance. All of us have sent our best wishes, our warmest thoughts to the fighters at the front and their families in the shell-ridden rear guard. All of us know of the great work the Spanish I.L.D. is doing to relieve the suffering of the wounded, the widowed, the orphaned.

Surely every reader of the LABOR DEFENDER wants to share as much as is humanly possible in the battle against fascism which is now raging in Spain. Your share means material support. Your contribution will add another brick to the great wall of international solidarity which must be erected around the Spanish men, women and children who are giving their lives for our freedom.

Hello there,

I'm still at the front helping give those fascists hell. How did you like the Gradalajara victory? at our front fascists heep right on deserting to our lines. The way the Spanish people have learned their lessons of unity is remarkable. The Socomo Rojo is a sort of mother to everyone here. Real inspiration for Cornerican I. L.D.

Jo Lillian: Salud Camarade. Will win war if takes all winter.

HJR 297 and SJR 127 - Free Tom Mooney

The California State Supreme Court continues to drag out the long, snaky process of procrastination on the appeal of Tom Mooney for a writ of habeas corpus. Last month they finally heard argument by counsel. Judging by past performance, the learned gentlemen will now delay their decision as long as possible, to prevent

As we go to press the Supreme Court is still stalling on a Herndon decision. Watch your daily paper every Monday.

We know you stand ready to act for his freedom!

even a hearing before the United States Supreme Court. They have already dragged it out so that it cannot come up until next Winter's term at the earliest.

Meanwhile there is more immediate action that can be taken. Two Montana legislators, Representative Jerry J. O'Connell and Senator James E. Murray, have introduced in their respective Houses of Congress a resolution memorializing Governor Merriam of California, asking him to free Mooney, and asking President Roosevelt to take similar action with respect to the Governor.

Passage of these resolutions would be a big blow to the forces

that keep Mooney and Billings in jail. Discussion on them in Congress will forward the Mooney-Billings defense, bring the scaly corruption of the anti-labor frame-up once more in the limelight.

See that your Senator and Congressmen vote for these resolutions: House Joint Resolution 297; Senate Joint Resolution 127.

Let your Congressman hear from you

In the welter of anti-labor legislation which has been introduced in the present session of Congress, two bills stand out as immediately, threateningly dangerous above the rest:

H.R. 1642, introduced by Representative Hampton P. Fulmer of South Carolina is a national criminal syndicalism law.

H.R. 4038, introduced by Representative John W. McCormack of Massachusetts is short and anything but sweet for inhabitants of a land of liberty: it provides that "any person who knowingly and willingly should advocate the overthrow of the Government of the United States shall by conviction be punished by a fine of not more than \$5,000 or imprisonment for not more than 5 years."

We have had experience in the United States, plenty of it, with judicial interpretation of criminal syndicalism laws. This is worse and more of it because of its general character, on a national scale. We are getting to work and having state c.s. laws repealed—two already gone, others on the way.

These bills and all others of their ilk must be defeated by your representatives in Congress. See that they do it.

In Support of Anti-Lynching Legislation

In connection with its drive for effective anti-lynching legislation, the National Association for the Advancement of Colored People, has issued a small booklet called: CAN THE STATES STOP LYNCHING? It is a record of the complete failure of the states, with the exception of one instance in Michigan, to do anything at all to prevent lynchings or to apprehend and bring to justice the lynchers. The booklet is particularly timely, now that action on Federal anti-lynching legislation is being discussed in the Congress. Requests for copies may be made directly to the N.A.A.C.P. at 69 Fifth Avenue in New York City. Here is evidence that will convince the most skeptical.

Children of Labor's Prisoners Need Milk

June 1 in I.L.D. history means the opening of the Summer Milk Drive for the children of labor's prisoners. Preparations to make this the biggest and most successful drive yet are already under way. Campaign material is in preparation—posters, booklets, certificates, etc., etc.—We urge all readers of the Labor Defender not only to respond as generously as they have in the past when the call for aid reaches them, but also if possible to write in and ask for campaign material to use in their home towns—especially where there are no I.L.D. branches. Let us hear from you soon.



BIG BERTHAS at Home

A grim account of what happened to civil rights during the last war with the Children's Crusade to Washington as its climax.

By ELIZABETH GURLEY FLYNN

We marvel at the temerity of peasants who farm on the sides of Mt. Vesuvius regardless of how often it erupts, and those who live in earthquake zones where known faults exist in the crust of Mother Earth. But there is nothing can be done and fatalism is inevitable, especially where poverty compels. Those who turn a deaf ear to the experiences of the past war and say, "It can't happen again," are much more foolhardy. They court sudden disaster. Preparations afoot today will make the last war a mere dress rehearsal. We live calmly on a man made volcano that may erupt any day. Let us give a backward glance to twenty years ago-it will be a warning to impending dangers, in a final world conflict.

War was declared on April 6, 1917. The Espionage Act was passed on June 15, 1917. It was suspended on March 3, 1921, the last day of Wilson's administration, over two years after the armistice, to be reinvoked whenever the United States is at war.

Accurate figures are not available of its victims during the four years. Between 3,500 and 4,000 members of the I.W.W. (Industrial Workers of the World) were arrested. There were 1606 trials up to July 1918. Men and women, were third-degreed; held under prohibitive bail; meetings were brutally dispersed; halls and offices destroyed; newspapers suppressed; postal rights denied. Letters were stamped "Undeliverable under the Espionage Act" and returned to the sender; mob violence spread through the nation.

Those arrested were Socialists, I.W.W.'s and sundry radicals who were opposed to the war or whose labor activities attacked war profiteers. The war furnished the pretext to accomplish what the big interests had vainly attempted—to smash the I.W.W. Fifty thousands lumberjacks, and 40,000 miners were on strike under its banner in Arizona, Montana and the northwest by June 1917. A howl went up: "The I.W.W. is paid by German gold to hamper the war." (This was before Russian gold became the great bugaboo!) The 8 hour day and wage increases, were forced from the Lumbermen's Association. On the wild hysteria fomented against the strikers, 1200 miners of Bisbee, Arizona, were deported in July 1917 by 2,000 company gunmen, to the desert of New Mexico and left there to starve. Frank Little, crippled organizer, was lynched in Butte, Montana, by vigilantes in August 1917.

The western workers were greatly incensed by these outrages and the employers, desparate to safeguard their huge wartime profits against further demands, appealed to the Federal government. The Espionage Act was the Big Bertha trained on the I.W.W. Tons of literature were confiscated and wholesale raids made. Three major conspiracy cases at Chicago, Ill., Kansas City, Kans., and Sacra-

mento, Cal., resulted in the convictions of 166 organizers, editors, officials and members active in the basic western industry. Offenses consisted of opposition to war; regular union activities; membership and in some cases, past association only, with the I.W.W.

Some individual cases were particularly flagrant. Clyde Hough, a young man arrested on June 6, 1917, for refusing to register, was in jail when the Espionage Act was passed. He was re-arrested, convicted in

manner and then said he had intended to give Randolph a year on the verdict of the jury but on the views he had expressed to him in the court-room, he gave him a ten year sentence in Atlanta Prison. I regret that space here forbids recording the innumerable men and women, who like those mentioned, were cruelly and unjustly dealt with during those terrible years.

In addition to civil prisoners, there were 450 C.O.'s (conscientious objectors) who had been judged "insincere" by a Board of Inquiry and turned over to the military authorities for court martial as "disobedient soldiers." One member of the board was Harlan J. Stone, now on the U. S. Supreme Court. He is described by Ernest L. Meyer, now of the N. Y. Post, then one of the C.O.'s as "popping startling questions with disconcerting rapidity," at men who were weakened by torture and hunger at the camps. They were sent to the military Disciplinary Barracks at Fort Leavenworth, Alcatraz, and Fort Douglas for long sentences.

Horribly brutal treatment was inflicted on the C.O.'s to break their will, especially at



The Children's Crusade to Washington led by Kate Richards O'Hare (center holding baby). They picketed the White House until Pres. Harding was no longer entertaining Lady Astor and forced see them.

Chicago of its violation and sentenced to Leavenworth for five years. His I.W.W. card was the sole evidence.

Eugene V. Debs, beloved Socialist leader, went to Atlanta for speaking in defense of others and demanding workers' referendum on war. Kate Richards O'Hare, Socialist lecturer, was sent to Jefferson City Prison for a speech she had made innumerable times without molestation. Dr. Marie D. Equi of Portland, Ore., was convicted after the Armistice for her defense of I.W.W. prisoners and her organizing work and sent to San Quentin prison for a year. John S. Randolph, was convicted in Auburn, N. Y., also under the Espionage Act, after the Armistice was signed, for expressing his sympathy with Debs.

The trial judge questioned him in a friendly

Camp Reilly commanded by Major General Leonard Wood. One young man, Ernest Gellert, shot himself at Camp Meade, to prove his sincerity and that lack of courage to die, was not the reason for his attitude. The three Hofer brothers, religious objectors, died after torture at Alcatraz including beating by the Chaplain, and solitary in cold cells at Leavenworth. Their bodies were sent home clad in the uniforms they had rejected in life. Frank Burke, originally sentenced to 25 years died from similar treatment in prison.

In February 1919, three months after the Armistice, with 100 C.O.'s still in Fort Leavenworth for long sentences, 2,300 men went on the famous folded arm strike, a brave act when one remembers there were (Continued on Page 15)

DRESS REHEARSAL

An outstanding authority on civil rights presents the Sheppard Hill Bill for Industrial Mobilization in its true colors and fascist details. Every American should study it—with alarm—and determination to prevent such legislation from being entered upon the statutes books of this nation.

By MAURITZ A. HALLGREN

When the United Staates goes to war again—and from all indications in Washington that day is not very far off—a lot more people will find themselves clapped in jail for their political beliefs than was the case in the last war. This time, indeed, some may not even be permitted to repent at leisure amid the comforts of an American prison but will probably be shot. For the day the fighting begins there will be set up in this country a military dictatorship more rigid and thoroughgoing than any now known to European fascism. Civil liberties were generally and fairly effectively suppressed in the last war; in the coming war they will be completely extinguished.

These assertions are by no means based on guesswork. They are based on plans that have already been drawn up by the admirals and generals, who are waiting only until the shooting starts to put their dictatorship to work. As a matter of fact, they can hardly wait until then. They are impatient to begin



"Capture of Madrid called off on account of rain."

operating on civil liberties even now while the nation is supposedly still at peace. This they have shown in various ways, notably through their eager support of all of the antisedition and anti-alien legislation that in the last few years has been dumped into the Congressional hoppers. In some cases they have actually prepared the legislation themselves.

The notorious Tydings-McCormack bill, for example, is a brain-child of the Navy Department. This bill would provide "that who-

One of Madrid's most beautiful avenues after a fascist bombardment. Nothing left but the shell and the spirit that will win.

ever with the intent to incite disaffection advises, counsels, urges, or solicits any member of the Army and the Navy of the United States to disobey the laws or regulations governing the Army and the Navy, or whoever with intent to incite disaffection publishes or distributes any book, pamphlet, paper, print, article, letter, or other writing which advises, counsels, urges, or solicits any member of the Army and the Navy of the United States to disobey the laws or regulations governing the Army and the Navy, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than two years, or both."

It is childish to suppose that the Tydings-McCormack bill is designed merely to prevent Communists from distributing literature among the soldiers and sailors. It is silly to believe that the idea is merely to guard the fighting services against "disaffection." There already exists sufficient legislation—for example, article 8 of the "Article for the Government of the Navy," as well as the Espionage Act of 1917, which is still in force—to cover such contingencies. Zechariah Chafee, of the Harvard Law School, has pointed out, moreover, that under two sections of Title 18 of the United States Code is to be found "ample power" to deal with cases like these.

The intention is certainly not only to prevent the soldiers and sailors from reading literature that might cause them to think for themselves. It goes much further than that. The real objective, quoting Professor Chafee again, is "to suppress discussion among civilians." Primarily it is meant to suppress discussion of the war policies and military preparations of the government and of the plans for a military dictatorship. The bill turns upon one phase: "with intent to incite." It is well known that "intent" is an ambiguous and flexible term. It can be stretched to mean anything or everything. Patriotically-minded judges could, and it is morally certain that they would, interpret it to cover, not only pacifist writings, but all other discus-



sions that might be regarded as critical of the civilian as well as the military activities of the government. For who can prove that any criticism of the government will not reach the soldiers and sailors and possibly raise doubts in the minds of some of them? Would it not be a simple matter, then, for a patriotic judge to rule that such criticism tends to incite "disaffection"? There cannot be the slightest question that the powers that would be granted under this bill could by definition be used to suppress virtually all political critcism.

This measure, however, would be only a sort of dress rehearsal for the big show the admirals and generals intend to put on when the war begins. To mislead the unwary the show will be euphemistically called "Industrial Mobilization," but it will really be a sweeping, all-inclusive dictatorship. Plans for this dictatorship are ready for instant use. According to the original program legislation to this end was to be withheld until the (Continued on Page 20)



The Hitler Youth Organization drills. Note the cultural level of the flags.

THE FRONT IS EVERYWHERE

The warm, human, living side of the struggle for democracy in Spain painted in master strokes by a great master of words.

We were rolling along over the stone desert of Aragon in a government car asking ourselves what lay ahead. The answers of the few peasants we met along the road were pathetic and confused. Curses for the fascists, hospitality for us—mostly in the form of wine in goat skins. Children jumped around the car whenever we stopped, their fists raised hign, their ringing voices shouting: "No Pasaran."

At every cross-roads we asked the peasant standing on guard: "What lies ahead?" He would just stand there, leaning on his pitchfork, his chest bared to the wind and the sun, and answer: "Over there is the war."

Towards evening the towns disappeared. The rocks on either side of the road loomed like ruins of prehistoric architecture. Night was falling, the blackness settling heavily and rapidly all around us. Tongues of flame shot up into the sky far in the distance. We began to hear the boom of cannon.

Suddenly our car stopped. We looked out. No one in sight. As our eyes grew accustomed to the blackness we discovered the roof of a peasant hut behind the rocks. A voice called: "The password?"

"Vigilance at every front," we answered. It was the only one we knew and we were not at all sure whose side the voice called for. No answer. I asked my fellow traveller, Jaime Miravillas, "Who do you think they are?" He shrugged his shoulders and pulled his pistol from its holster. The militia man who sat beside the driver began cursing under his breath, as he stepped out of the car, his rifle raised.

He walked towards the stones and was lost from sight. Silence. Then a happy laugh from behind the rocks and voices shouting: "They are ours." We all got out. The group from behind the rocks crowded around us—all peasants.

"This is the sixth night we have spent here."

"Where is the front now?"

They looked surprised. "The front is everywhere."

A cold wind scattered even our good spirits. The peasants rolled themselves more tightly, into their checkered blankets. "Get some sleep," Miravillas councilled the oldest.

"No, we must stand guard." Then he began to talk. There were four fascists in the town. He named them slowly, and spit—with sadness—after each name. The owner of the village had been a marquis, and his overseer abused and bothered all the young girls. The priest ran away to join the rebels. As he passed the old mill in his flight, he dropped his cross and a lady's garter. From this information, the old man jumped to a description to the new threshing machine that now belonged to the peasants. "You know how much the overseer used to pay us? Fifty centimes (10c) a day. We ate meat only when some one got married. But today. . . ."

There was silence for a while. Then he began to talk once more. On the previous Sunday a fellow had come into the town—in civilian clothes. "All he said was the word 'Santiago'. Later it turned out that that was

By ILYA EHRENBOURG

the fascist pass word. They killed Ramon. But you see that pile of rocks, we began shooting at them from behind it and they ran away. You see now, we cannot sleep. We must stand guard." We got ready to leave.

"From here to Bujaraloz is 12 kilometers. The password is *All rifles to the front,*" a young peasant told us in parting. As our car was pulling out a little boy ran out of the darkness. He jumped on the running board



Let Hitler and Mussolini read the handwriting on the wall.

and shouted, "No Pasaran." Maybe he was Ramon's son.

We rolled once more over the stone desert of Aragon. Behind us and before us the shadows danced. They too were standing guard.

I came to Malpica on a warm day in September. In the fields, golden melons turned their faces to the sun. From time to time enemy planes swept over the town. The front was very near and no one knew what would happen to Malpica on the very next day. In the pastures the smoke of bonfires curled lazily. They were built by refugees. The only thing they had been able to save from the fascists were their lives and their hatred—their determination for revenge.

I met several old friends. They were standing at the entrance to the town armed with guns. They raised their clenched fists in greeting when they saw me. The mayor—an old, clean shaven peasant with deep furrows around his mouth, shook my hand, "Salud, Ehrenbourg. This time we will take you on a visit to the castle."

We marched through the ancient gates like conquerors. The mayor walked in front carrying an old copper candle stick to light the way. What a sight. The Duke of Arion may have owned 20,000 hectares of land in Malpica, but he had no imagination. He had decorated his castle with vulgar little cheap

statues. All the toilets were engraved with his coat of arms. He had among his treasures 180 different varieties of chamber pots, but not one single book.

The Duke came to Malpica only in the fall. For the hunting season. He kept careful statistics of all the hares that were killed. In his bedroom was a cheap plaster cast statue of the Virgin clad in gaudy velvet petticoats. The most sumptuous room in the castle was the bathroom. Furnished, for some reason best known to himself, with three throne-like chairs. Framed in heavy gold, on the wall, was a document regarding the royal hunt of August 8, 1913. On that day the King of Spain, His Royal Highness the Prince Jenaro and the lord of the castle, the Duke of Arion, had hunted for hares!

That, apparently, was the greatest event in the life of the man who ruled Malpica. In December, he would leave for Paris or Biarritz. The peasants never left the land.

The Duke of Arion paid the peasants who tilled his fields one peseta (about 12c) a day. They lived on beans and cursed their fate. To keep one dog, cost the duke two pesetas daily!

"And the Duke—how did he live?" I asked the mayor as we stood in the gilded bathroom. He brought the candle stick over towards me and whispered:

"Bad-even the dogs laughed at him."

As we left the castle, the mayor locked the doors, licked a piece of paper he took out of his pocket, slapped it on the door and signed it. It read: "The property of the town of Malpica." We looked down at the Tagus river, golden in the afternoon sun. The flowers in the garden scented the air.

In the approaching darkness the guns of the peasants shone. "Fourteen of our men are at the front," the mayor stated, "All of us wanted to go. We would be there now. But a comrade came from Madrid. He told us we must stay here and finish the harvest."

We stopped at the edge of the garden. The heavy scented air of Southern Spain makes you dizzy. The mayor looked back to the castle: "It is good for nothing. Useless. We will write to the government that it should be given to your writer fellows. Here you will work in peace and in our town everybody wants to read good books."

In the great hall of the palace of the Duke of Medinacelli, among the armored knights and paintings of grandees in resplendent costumes, militia-men sat reading the *Mundo Obrero*. They were dressed in blue overalls.

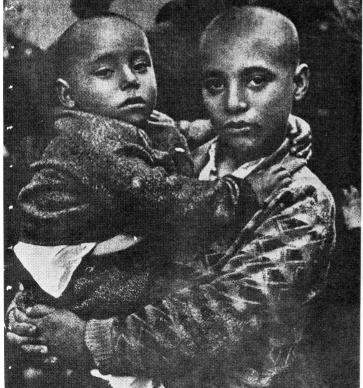
In the grand salon where the noble guests had once been entertained, a militia-man, wearing black glasses, sat at the grand piano. He was playing selections by Grieg and some Flemish dances. His uniform was decorated with two stars. He walked over to our group.

One of the militia-men remarked, "We must learn how to die." This excited the blind soldier. He pounded a table with his fist, rocking a Chinese porcelain doll that stood upon it. "That's absurd," he shouted. "Everybody in Spain knows how to die. We must learn to live—do you understand—we must learn to live and win. ..."

SALUD!



Above: On guard for democracy. Below: Refugees—and orphaned. Right: (From the top down) Greetings at the front. German anti-fascist defenders of Madrid. A section of the International Brigade.











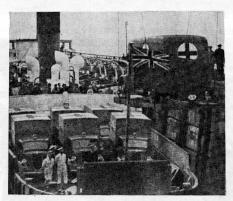
Marching in Harlem in solidarity with the defenders of democracy in Spain.

ROMAIN ROLLAND

A great spirit of solidarity with Spain has enveloped the people of the whole world. When we contemplate the miserable barbarism spread by the fascist forces in Spain, there is at least one small source of comfort to us—the knowledge that we have roused the ardent sympathy of millions, the men and women of France and other lands. We know that the collective conscience of international democracy—of which we are a part—has identified itself with democracy in Spain. We have recognized our common destiny and we have become an active force consacrated to cooperation and support.

We call on all free men, on all who have hearts that can feel, particularly on the good citizens of every democratic land to join together in this work. The destiny of world democracy must encircle heroic Madrid assailed by fascist criminals who have the support of Hitler and Mussolini.

We must come to the aid of the Spanish



Ambulances for Spain from the people of England.

people—all of us. We must work to consolidate our forces. We must not only aid and support republican Spain so that she may victoriously meet the cruel test laid upon her by crime and treason; this test, which is ours, must be put upon all the.

AID to SPAIN

From all over the world—and in the war-ridden land itself from SOCORRO ROJO — the Spanish I.L.D.

democracies of the world that they may emerge unified and better armed, better ready to face all dangers—all threats to social justice, all enemies who stand in the path of the triumphant forward march of human progress.

Father Morales



JUAN GARCIA MORALES, a Spanish Catholic priest.

"The Socorro Rojo is non-partisan. It aids everyone, its help extends to all without question as to their political, trade union or religious beliefs.

"This institution has my warmest sympathy. I will support it as long as I am able, while there is life in my body, because I believe that its work—is a duty of justice—to which every anti-fascist, Christian or atheist, must contribute."

JUAN GARCIA MORALES, Catholic priest



Potatoes for Spain from the people of France.



ISIDORE ACEVEDO, the president of Socorro Rojo—the Spanish International Labor Defense

Largo Caballero

"It is my opinion that the Socorro Rojo is doing a magnificent service for the anti-fascist cause and is effectively cooperating towards ending the civil war."

LARGO CABALLERO, Premier of Spain

General Miaja



General JOSE MIAJA, democracy's Commander-in-chief.

"What can I say about the wonders accomplished by the Socorro Rojo? That its work is magnificent, that its protection extends to all without regard for political differences, that it is dedicated to the welfare of all mankind."

GENERAL JOSE MIAJA, commander-in-chief of the democratic forces defending Spain

Have you done your share? Have you sent your contribution for medical aid through the American I.L.D.?

WHO SAID SIT-DOWN STRIKES ARE ILLEGAL?

PROOF—delivered on the floor of Congress—that sit-down strikes are LEGAL. Excerpts from a speech by Congressman Coffee of Washington. It was accompanied by scores of direct legal citations backing up every statement made.

By the Hon. JOHN M. COFFEE

Mr. Chairman, much has been said on this floor concerning the merits and demerits of the sit-down strikes. This afternoon the learned gentleman from North Carolina [Mr. Cooley] gave vent to some utterances in which he reflected upon the legality and the wisdom of the sit-down strikes. In the course of his remarks I saw fit to interrogate him on one point when I asked him whether or not he had signed the petition to discharge the committee from further consideration of the anti-lynching bill. He replied that he had not. The reason I asked him that question was because I felt that he had spoken so eloquently concerning his reverence for the majesty of the law that he should be consistent by proceeding to advocate the adoption of the anti-lynching law; for, if he is concerned that the majesty of the law is involved in sit-down strikes, certainly he should be equally concerned in seeing that the members of the colored race be not subjected with impunity to violation of the majesty of the law in his own State.

Members of this House have been eloquent in dilating upon their reverence for the majesty of the law. I do not take a back seat te anyone in my respect for the law, but at a time when we are apotheosizing the supremacy of the law, why not get at the cause of the sit-down strike instead of curbing the results? What is it that provokes the sit-down strikes? What are the economic injustices that bring them about? To this end, Mr. Chairman, I have prepared a few remarks in which I have attempted to show the legal basis for sit-down strikes and in which I have undertaken to suggest and have had the temerity of asserting to this august body that sit-down strikes are legal in contemplation of the law.

Mr. Chairman, during the last 2 weeks the attention of this House has been occupied at length by the question of sit-down strikes. The gentleman from Texas [Mr. Dies] has introduced a resolution calling for an investigation of sit-downs by a special committee of this House. The same gentleman has introduced a bill making sit-down strikes violations of the Federal anti-trust laws. A number of other gentlemen have variously condemned and attacked sit-down strikes, sit-down strikers, the Committee for Industrial Organization, and the labor movement in general.

The resolution, the bill, and the remarks were predicated upon a single premise, that sit-down strikes are illegal. Mr. Chairman, I rise to challenge that premise. I say that the sit-down strike is a lawful method by which workingmen, in the face of refusal by the employer to abide by the law of the land

and respect their rights, seek to protect their rights and improve their conditions. The sit-down is as American as the attempt to throttle the democratic rights of the people is un-American. This is true despite the ful-minations of those labor leaders who are now attacking the sit-down strike as an un-American labor tactic. It is surprising, indeed, to note their attack is couched in substantially the same language as that employed by the National Manufacturers Association in a simultaneous denunciation appearing in this week's press.

Mr. Chairman, I base my contention that the sit-down strike is legal on three fundamental principles which are recognized by our court decisions and statutes as the law of the land:

First. The sit-down strikers are invited onto the premises of the company as employees, they remain employees during the course of the dispute, and they can in no way be considered trespassers.

Second. Employees have a property right in their jobs which the law entitles them to protect by appropriate means.

Third. The action of the sit-down strikers is justified under the law as is any other collective action by employees to better their conditions.

The legal arguments which I shall present are based upon the following state of facts which are typical of the recent important sitdown strikes. The employer has refused to negotiate with the union regarding terms or conditions of employment. In this, as well as in other activities which interfere with the employees' right of self-organization and collective bargaining, the employer is unlawfully denying the established legal rights of the workingmen. In face of open defiance by employers of the laws establishing these rights of labor to organize and bargain collectively, the employees are obliged to resort to self-help to secure their rights. Strikes of the ordinary kind have been rendered ineffective because of unemployment, strikebreaking, laws against picketing, and violence used against strikers by hired agents of the employers. The sit-down strike has so far proven labor's most effective method of protecting its legal rights and improving its economic condition.

Occupation of a plant, in good faith and peacefully, by employees awaiting the adjustment of differences growing out of their employment is but an incident of the employment relation and is in no sense unlawful.

Sit-down strikers do not come upon the premises of the company as uninvited strangers who have no claim of right to be

there. They are invited upon the premises as the employees of the owner, and their remaining there is an incident of their employment relation. If more were needed it may properly be said that as a matter of law they have a license coupled with an interest in the premises devoted to the industrial enterprise. As has been shown, they remain, during the full period of the dispute, the employees of the owner of the premises.

The sit-down strikers remain in their place of employment as men with a stake in their jobs, which they are seeking to retain and improve. This is their right. For their jobs—their employment relations—constitute property rights. Their sole purpose, rather than to sever the relationship, is to maintain it and better it.

The ends that sit-down strikers have in view are to advance their own interests, to strengthen their union, and to secure for themselves the right of collective bargaining. Clearly these ends are lawful.

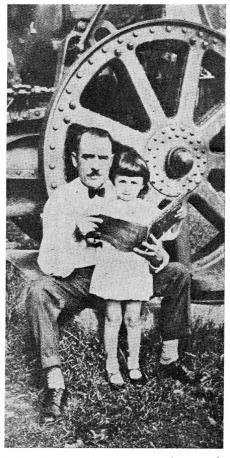
The right of organization into unions for the purpose of collective bargaining has long been recognized by the courts. Mr. Chief Justice Taft, speaking for the United States Supreme Court, stated the law as follows:

Labor unions are recognized by the Clayton Act as legal when instituted for mutual help and lawfully carrying out their legitimate objects. They have long been thus recognized by the courts. They were organized out of the necessities of the situation. A single employee was helpless in dealing with an employer. He was dependent ordinarily on his daily wage for the maintenance of himself and family. If the employer refused to pay him the wages he thought fair, he was nevertheless unable to leave the employ and to resist arbitrary and unfair treatment. Union was essential to give

(Continued on Page 17)



Congressman Bernard—who also defended the legality of sit-down strikes in Congress—sitting down with his young daughter.



Congressman Bernard—who also defended the legality of sit-down strikes in Congress—sitting down with his young daughter.

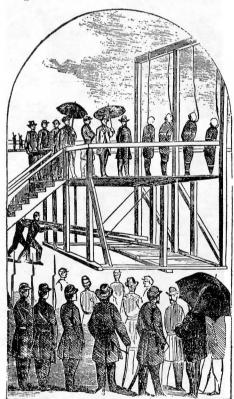
MARGIESIC SIC

The widow of one of the Haymarket martyrs, Albert Parsons, sends her May Day message to American labor.

By LUCY PARSONS

May Day. The workers' day. A holiday on which by millions in every land they leave the workshops, mills and mines and their resounding foot steps can be heard everywhere. They make their way to the fields and forests to enjoy the balmy sunshine and the beautiful flowers and feel that this one day, at least, is their day to enjoy. But it is also the day on which they discuss their plight—the injustice of a world of plenty in which there is so much poverty.

May Day holds a special interest for the workers of America. It was on this day in 1886 that the great strike for the reduction of hours of daily toil from twelve and longer, to eight was called. The strike was a success.



Execution of militant miners at Mauch Chunk, Pa. Troops were present to prevent a rumored attempt at rescue.

The execution of the first victims of the frameup system in America—the Mollie Maguires— 1876.



The men who paid with their lives on the gallows for the eight-hour day: the Haymarket martyrs.

This was the dividing line between the long and short hour work day in America.

Chicago was the storm center of that magnificent strike. This was due to the splendid organizing ability and courage of those who paid with their lives upon the gallows. The Chicago martyrs.

It is not likely that many of the present generation really know who these heroes were. I will take a brief space to inform them:

On May 3, 1886, during a mass meeting of McCormick workers, the police rushed in upon them with clubs and guns. Several were killed. The next evening, May 4, the now famous Haymarket meeting was held as a protest against the brutal act of the police. The meeting, held on Haymarket Square, was peaceable—attended by many persons including women and children. When it had already been announced that the meeting

would close, because of a rapidly approaching storm—all at once and unexpectedly, two companies of police rushed upon us with drawn revolvers commanding the meeting to disperse!

At the onrush of these violators of the law which they were supposed to uphold, some one threw a bomb into their midst. Who threw that bomb at the Haymarket meeting has never been learned. Nor did either the police or the bosses of Chicago want to find out. What they wanted, as they openly stated, was "to make examples" of the leaders.

When we speak of the Chicago martyrs, therefore, we mean the five labor leaders who were hanged in Chicago on November 11, 1887 for leading the May Day strike of 1886. But they did not kill the eight hour movement as they expected to, by murdering these heroes. The determination for an eight-hour day did not die with them. Other leaders arose.

To mention a few: Eugene Victor Debs organizer of the first industrial union among the railway workers—a union that took in everybody from the section hands to the engineers. And he had to do time in prison because he dared to raise his voice against the war craze of the capitalists in 1914. Then there was Big Bill Haywood, who did so much to organize the lumber workers of the Northwest into the Industrial Workers of the World. Haywood, because of his activities in behalf of these and other workers—miners, textile hands,—in order to keep out of prison, had to flee the country of his birth and die in the land of promise—Soviet Russia.

Then there is Tom Mooney, pining away his valuable life behind prison bars because the rich utility barons demand it. Space forbids mention of dozens of other brave fighters who are suffering because of



Big Bill Haywood.

their struggle against the hellish conditions of today.

Now enters the CIO led by John L. Lewis, who like a Hercules, hurls his javelins against the ramparts of wealth and profit. He has jarred their walls so hard, they have been forced to come out and recognize organized labor.

Keep right on, John. We need a lot more like you.



TOM MOONEY'S MAY DAY MESSAGE

Never in the whole history of the working class movement in its historic march down through the ages have there been so many manifest evidences of a complete general advance by workers throughout the world on all fronts. There are many positive, hopeful signs for splendid victories.

Spain is an outstanding example. From there comes news all-inspiring to the workers all over the world. What a grand and glorious heroic battle they are making and under what great odds and almost unbearable conditions! You might well say that they are surrounded by a ring of capitalist nations, all conspiring to crush them, even though they have personal differences with the chief Fascist and Nazi nations supporting to the hilt the Spanish butcher, General Francisco Franco, who is conducting a cruel and barbaric war against the Spanish people with foreign mercenaries.

The workers' Fatherland on this May Day finds itself in the unique position of being able to defend itself against all foes.

Labor in America is on the march all over the United States. Evidence of this is manifested in sections where strikes of a militant character are really taking place today that were undreamed of and could not be conceived a few years ago.

The workers must consolidate their positions on all fronts, and eliminate every evidence or source of friction. They must accomplish complete, wholehearted and genuine unity. They must defeat every effort at division and factionalism. A unity must be obtained and preserved that will defeat our every foe and win our every fight. Every attempt on the part of reaction to enthrone itself or to attack any privilege heretofore

enjoyed by the workers, must be bitterly contested at all costs. New additions must be gained and conditions won to improve the lot of the workers. There must be a general cultural rise of working-class standards. The working class everywhere must be brought to a conscious realization of the importance of the position that they play in the scheme of things, that the historic mission of labor down through the ages has been a march for freedom from exploitation by a master class.

Many things that I worked for and dreamed some day would be a reality, are today actualities. The persistent, militant, uncompromising struggle that I have waged from this tomb of the living dead for twenty-one of the best years of my life, is now beginning to blossom into full flower; and I hope that before the present year is out, with the aid and assistance of each and every worker in this country, Tom Mooney's and Warren K. Billings' fight for freedom will be one more of those glorious victories that are being shaken from the capitalist tree of exploitation.

As you march on International Labor Day this May 1st, 1937, bear high the banner calling for the unconditional freedom of Mooney and Billings and all other political and class-war prisoners. Don't forget those brave working-class soldiers who have fallen on the American industrial battlefields or have been taken prisoners in the class war. Yesterday they fought for you; today you must fight for them.

In every town in America, the militant workers will march on May Day and they will cry out for the freedom of Mooney and Billings and all other political and class-war prisoners, as they are the shock troops in the fight for the new social order. As you march, in spirit I shall march with you.

I hail you and salute you from the depths of a righting, proletarian heart, with a courageous conviction that one day I shall join you in complete working-class victory.

. . . And The Letter That Came With It County Jail No. 1

Dear Sasha Small:

Tour wire of April 12th was received just as our argument began in the State Supreme Court. This was the final climax to our long and desperate efforts to present every possible available bit of material to the California State Supreme Court in support of our contention that we were the victims of a monstrous capitalist-class frame-up. In this last intense moment, you can readily understand when I tell you that it was utterly impossible for me, under such circumstances to comply immediately with your request.

However, we just concluded the argument on Friday evening at about five o'clock. This should unquestionably reach you before the 20th. I am herewith enclosing a statement for the Labor Defender to be used in its May 1937 edition. Thanks for your asking for the article. My only regret is that circumstances made it impossible for me to comply sooner and with a more clearly thought out statement for your May Day celebration.

With warmest comradely greetings and my grateful, proletarian thanks for your many splendid, continuous services in the great struggle that we have been making and in which you have so loyally and faithfully participated, I am

Very sincerely and fraternally, TOM MOONEY - 31921

UNDER OUR FLAG

Patrick Henry said: "Give me liberty or give me death." This noted advocate of Puerto Rican independence speaks for his people and says: "Give us liberty that we may live."

By GILBERTO CONCEPCION

Attorney for Dr. Pedro Albizu Campos

Dr. Pedro Albizu Campos, Harvard graduate and a man of brilliant abilities, together with seven other leaders of the Nationalist Party of Puerto Rico, was sentenced on July 31, 1936 to serve from 6 to 10 years in Atlanta, Georgia. Dr. Albizu Campos is

the President of the Party.

The trial took place in San Juan, Puerto Rico, on charges of conspiracy to incite insurrection. The sentences have been affirmed by the Circuit Court of Appeals in Boston and a petition for a writ of certiorari will be filed before April 27 in the United States Su-

preme Court.

Former Congressman Vito Marcantonio in an article which appeared in the last issue of the LABOR DEFENDER told how the Nationalists were framed up in a trial conducted in a military atmosphere. He said: "A study of the record in the case will lead anyone to the conclusion that the defendants were no more given a trial by jury than if they had been tried by a lynching meeting in some town in Georgia—the home-town of the Governor of Puerto Rico, General Blanton

Winship—or South Carolina."

The United States Government follows a "strong hand" policy against the Puerto Rican nationalists. The Federal Department of the Interior, under whose jurisdiction the Puerto Rican administration has been placed, has given a "free hand" to the governor. In accordance with this policy, the latter has militarized the police, armed them with machine guns and all kinds of war material, and has given corresponding orders to certain

judges and prosecuting attorneys.

Nationalists are arrested on any pretext. High bail is always fixed for them. Their trials are held in courts filled with police and detectives. They are given maximum fines and terms of imprisonment. They invariably lose every civil suit. On one occasion a Nationalist was publicly beaten, mercilessly, for no reason at all. Two Nationalists were murdered in cold blood by police in police headquarters.

"On Palm Sunday, March 21, in Ponce, the second largest city in Puerto Rico, the police forces fired with machine guns, rifles, and pistols into a crowd of marching Nationalists. Seventeen were killed, more than 200 wounded.

"The Nationalists were going to hold a meeting and a parade in Ponce on March 21. During the meeting they were to make a collection. The mayor, Tormes, issued a permit. One hour before the time set for the parade and when the demonstrators were ready to march, the mayor canceled the permit on frivolous grounds. As Winship pointed out in a statement issued after the massacre, the parade was called off by the mayor at the request of General Blanton Winship and Or-

Puerto Rican police firing on a peaceful parade in Ponce, on Palm Sunday. Seventeen were killed and hundreds wounded. The Puerto Rican people want their independence — to put an end to such wanton terror.

beta. General Winship went out of San Juan. Colonel Orbeta went to Ponce and concentrated there a heavy police force, among which he included all the machine gunners. For many days the government had been planning their action in Ponce.

'Chief of Police Guillermo Soldevilla, with 14 policemen, placed himself in front of the paraders; Chief Perez Segarra and Sgt. Rafael Molina, commanding 9 men, armed with Thompson machine guns and tear-gas bombs, stood in the back; Chief of Police Antonio Bernardi, heading 11 policemen, armed with machine guns, stood in the east; and Chief of Police Esteban Rodriguez, commanding 12 men, armed with rifles, placed himself in

"The demonstrators, at the order of their leader, and while La Boringuena, the national song, was being played, began to march. Immediately they were fired upon for 15 minutes by the police from the four flanks. The victims fell down without an opportunity to defend themselves. Even after the street was covered with dead bodies, policemen con-

tinued firing.

'More than 200 were wounded; several were killed. Men, women, and children, Nationalists and non-Nationalists, demonstrators and people passing by, as well as the people who ran away, were shot. They were chased by the police and shot or clubbed at the entrance of the houses. Others were taken from their hiding places and killed. Leopoldo Tormes, a member of the legislature, told the reporters how a Nationalist was murdered in cold blood by a policeman after the shootings, in his own arms.

'A 7-year-old girl, Georgina Velez, while running to a nearby church, was shot through the back. Two women, Georgina Maldonado and Maria Hernandez, were also killed, and a girl of 14, Carmen Fernandez, 33, was severely wounded. After she fell down a policeman struck her with his rifle, saying, 'Take this; be a Nationalist.' Maria Hernandez was a member of the Republican

Party, and while running away was clubbed twice on her head by a policeman.

"Dr. Jose A Gandara, one of the physicians who assisted the wounded, testified that wounded people running away were shot and that many were again wounded through the back. Don Luis Sanchez Frasqueri, former president of the Rotary Club in Ponce, said that he had witnessed the most horrible slaughter made by police in defenseless youth. No arms were found in the hands of the civilians wounded nor in the dead ones.

"About 150 of the demonstrators were arrested immediately after, several of them being women. All the Nationalists leaders were also arrested. They came out on bail.

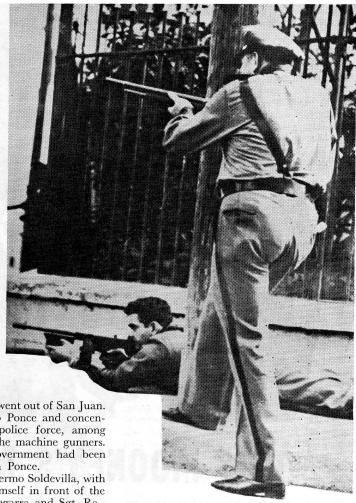
"More than 15,000, as was reported by El Mundo, attended the funerals at Ponce and more than 5,000 at Mayaguez.'

The above is not a description of the Ponce events by a Puerto Rican Nationalist. It is quoted from a speech of Representative John T. Bernard of Minnesota, in Congress, and appeared in the Congressional Record of April 14, 1937.

Does not this bring in mind the Boston Massacre in 1770, and the shooting of Russian Peasants by the Czar in 1905? Remembering the events of Easter Week in Dublin, 1916, don't you agree with Jay Franklin, Washington commentator for the Stern papers, that Puerto Rico is the Ireland of the Carribbean?

April 16 is a legal holiday in Puerto Rico. It is the anniversary of the birthday of Jose de Diego, former speaker of the House of Delegates, noted orator, poet, jurist, and out-

(Continued on Page 20)



An Open Letter to the **Secretary of Labor**

Dear Miss Perkins:

I feel compelled to write you. I must protest. My words choke with the impact of an emotion stimulated by thoughts of Alfred Miller, of his persecution at the hands of your Department because he is an anti-Fascist, because he has devoted his life to fight for the rights of the down-trodden and op-

Alfred Miller came to the United States legally, as a quota immigrant, in 1929, at the age of 26. Born in Hanover, he was, for years, a trade-unionist and a Socialist, an active member of the International League for Militant Socialists. Some time after his arrival in the United States, Alfred Miller became a member of the Communist Party.

For a time he lived in Manhattan, working in Brooklyn. Then he went to St. Louis and, from there, to Commonwealth College in Mena, Arkansas.

In 1933, as executive secretary of the United Farmers' Protectice Association in Pennsylvania, he spurred the farmers to defend themselves against sheriffs' sales and to fight for a higher price for their milk products. In February, 1934, Miller was offered the editorship of "The Producers' News," a cooperative farm weekly published in Plentywood, Montana. He accepted.

I hope these details aren't straining your patience, Miss Perkins. They seem trivial to you, no doubt. They comprise the essentials of a man's life, his struggles to help his fellow-workers.

Alfred Miller arrived in Plentywood. The farmers of northwestern Montana were starving, their children had no clothes, their homes needed repairs badly. A five-year drought, the low price of wheat, and the general effects of the national economic depression had served to bring the Montana farmer to a point of destitution.

These were the conditions confronting Alfred Miller when he undertook his duties as editor of "The Producers' News."

How was Miller going to help the farm-

He struck out at the banking interests of Montana, the powerful moneyed clique controlling the wealth of the state, keeping the farmer chained with their mortgages.

Another situation soon manifested itself. To fight and overthrow the power of the

bankers would take a long time. There were immediate possibilities of aid for the farmer in federal relief. But, the administration of relief was rotten and discriminating throughout. A farmer had to demean himself before the relief administrators, to beg for money rightfully his, having been set aside to provide for his life necessities. And, then, only to be denied relief because he didn't "look right" to the administrator, or he had taken part in a demonstration the week before.

Miller started an editorial campaign, exposing and condemning this bureaucratic discrimination, demanding relief for the farmer. Finally, a certain Miss Randall, a Senior Case Worker, was dismissed by the State relief authorities for "general incompetence and discrimination in allocating re-

This is the case against Alfred Miller. Because of his activities in behalf of American workers trying to defend themselves against discrimination, Alfred Miller was framed. The forces aligning themselves against Miller and the people of Montana were represented by Miss Randall, County Relief Director Prendergast and the State Bank Examiner. But these three could do little without your assistance and the cooperation of your Department.

Alfred Miller had become a thorn in the side of the reactionary officialdom of Montana. He had to be got rid of. (What difference to them, or to you for that matter, freedom of the press, if that freedom is not being used to shackle the American people with the bonds of exploitation and reaction? What matters freedom of expression, if expression means acquainting the American people with the truth of their bondage?)

Alfred Miller was a menace to the financial powers and the bureaucrats of Montana. The one weapon to be used against him was his lack of American citizenship. He was an "alien."

Therefore, on April 13, 1935, Alfred Miller was taken into custody by federal immigration authorities at Plentywood, accused in the warrant of arrest with being an "alien who believes in, advises, advocates, teaches, writes, publishes and causes to be written and published matter advising, advocating and teaching the overthrow of the United States government by force and violence.'

Alfred Miller was tried May 8 and ordered deported, your case against him resting on the fact that he was a member of the Communist Party of the United States. This, then, is how you try to shut people up in America, when they exert their efforts in behalf of the American workers.

But, Alfred Miller was an anti-Nazi. He faced death in Hitler Germany. In response to the nation-wide protest you "granted" Alfred Miller "permission to leave the United States voluntarily for any country" of his

(Miss Perkins, what indeed is "voluntary" about being told to get out of the country or be shipped back to Hitler Germany?)

Do you remember Shakespeare's famous Lady Macbeth trying to wash her hands of Banquo's blood? Do you remember her "Out, damned spot! out"?

Alfred Miller faced return to Hitler Germany unless a haven could be found for him. And there are people in this country who consider the rights of an anti-Fascist valuable, the protection of those rights important. A two-year battle, vaged by the American Committee for Protection of Foreign Born, to defeat your deportation order failing, the Federal courts sustaining your order and the forces of reaction behind the order, there was only one possibility left to save Alfred Miller from death.

With the aid of the Farmer-Labor Governor, Elmer A. Benson, of Minnesota, the Farm Holiday Association, and Rep. John T. Bernard, the American Committee succeeded in finding a safe haven for Alfred Miller in Mexico. Miller is now in Mexico, having been driven from the United States by your order.

The contents of this letter, Miss Perkins, go to make up my protest against your activities in cooperation with reactionary forces. There are rights you have refused to protect. There is one principle you are threatening with extinction,—the principle of asylum for political and religious refugees.

I protest. I demand that you put an end to those practices of the Labor Department which support the aims of reaction in the United States. I demand that you recognize the right of asylum.

> ABNER GREEN for the American Committee for the Protection of Foreign-Born.

BIG BERTHAS at Home

(Continued from Page 6)

4,000 soldiers at the Fort. It was called off when the Commanding Officer, Col. Rice, agreed to go to Washington on their behalf. The last 31 were released Nov. 23, 1920, two years after the war was over.

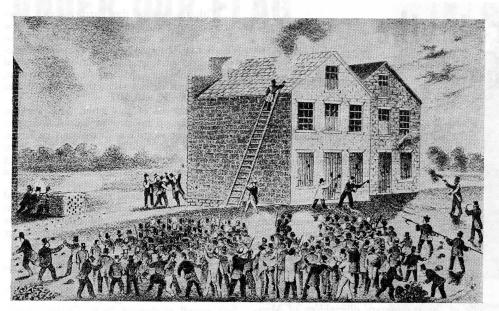
But the civil prisoners fared worse. Four years after the war was ended, there were still 71 I.W.W.'s and 21 others still in prison, mostly members of the tenant farmers' "Workingclass Union" of Texas, Arkansas and Oklahoma, who had resisted the draft. As a final appeal, "one that could not be thrown in the waste basket," the Children's Crusade was organized by Kate O'Hare.

A party of 37, including the aged mother of Clyde Hough, 22 children and 11 wives of prisoners arrived in Washington on April 29, 1922. They had visited many cities en route, to tell their story and collect the expenses of the trip. They were a moving and heart-rending group. But genial President Harding was busy entertaining Lord and Lady Astor and refused to see them. They picketed the White House for a short time, until finally 16 of the tenant farmers were released, and others occasionally, until Christmas 1923 when President Coolidge released the last 31, five years after Italy, France, Belgium and England had released all similar prisoners.

The grim drama was over except for one final significant act. At Christmas 1933, President Roosevelt restored citizenship to all wartime offenders, a tentative recognition of the status of "political prisoners" for which the I.L.D. is now carrying on a legislative campaign.

Now, in 1937, twenty years after this gruesome tale began, the Army and Navy presents war plans, sponsored by the Chairman of the Military Affairs Committee of both Senate and House, known as the Sheppard Hill Bill and the Industrial Mobilization Plan. It has well been named a "Blue Print for Fascism."

This is a serious menace to democracy, the destruction of unions and their gains and all civil rights. It must be fought and defeated. There shall be no large scale repetition of 1917 and 1918.



Contemporary engraving (1837) of the lynching of Elijah Lovejoy and freedom of the press.

"Such a Gentlemanly Mob"

1937 marks the one hundredth anniversary of the martyrdom of ELIJAH LOVEJOY—who died for the freedom of the Negro slaves and freedom of the

By ELIZABETH LAWSON

In Alton, Illinois, stands a slender white shaft erected to the memory of Elijah Lovejoy, minister, newspaper editor, and fighter for the anti-slavery cause, who one hundred years ago gave his life, as the monument pro-claims, "in defense of the liberty of the claims, press."

Lovejoy was the first to fall in an era which has been called "the martyr age of America." The southern slave-owners and their northern allies, the bankers and the men of commerce, met the challenge of the rising Abolition movement of the thirties with violence and terror. Civil rights were crushed under the heavy hand of the slavocracy. The national government, creature of the slave power, for years denied the right of petition; statute-books were blotted with sedition and insurrection laws; there was rifling of the mails, and burning of books and newspapers. With the connivance of city authorities, anti-slavery meetings were attacked and routed; public halls were burned and newspaper plants smashed; college students and professors were expelled for anti-slavery discussion; ministers were arrested in their pulpits for denouncing human bondage. Vigilance committees tarred, feathered, lynched Abolition speakers. The great orator of Abolition, the fugitive slave Frederick Douglass, exclaimed: "The white man's liberty has been marked out for the same grave as the black man's."

When William Lloyd Garrison, editor of the Liberator, was dragged through the streets of Boston in 1835 with a rope about his body, observers noted that his tormenters were "a mob in broadcloth." When in 1837 Elijah Lovejoy's anti-slavery press was sacked and thrown into the river, the mayor of Alton declared that he had never before

witnessed "such a gentlemanly mob." Upon the "mob in broadcloth," history can lay a heavy load of responsibility for the destruction of human liberty in pre-Civil War America. These were the aristocrats of northern commerce and finance, whose pockets were filled with the proceeds of southern trade, and whose consciences were padded with southern cotton.

Under Lovejoy's editorship, the St. Louis Observer became the first anti-slavery paper published in a slave state. Only the Observer, of all the newspapers of the South, dared to speak out in protest when in 1836 the Negro Francis McIntosh was chained to a tree and burned alive in St. Louis. There followed a series of attacks upon the Observer office, and upon the home and person of the editor, which finally forced the removal of the paper across the state line to Alton.

In Missouri, Lovejoy had been the victim of the slave-owners; in Illinois he became the victim of the slave-owners' more hypocritical

allies. The press which was sent from St. Louis was seized by a mob and broken to pieces upon its arrival at Alton. At once the citizens of Illinois collected funds for a new press. This second press, and a third as

This sign was painted on the wall of the warehouse where Lovejoy was murdered, on the night before the attack.

well, were destroyed. The city council refused protection; the local ministry urged that the paper be abandoned; the district attorney took the stump at public meetings to whip up feeling against the Abolitionists.

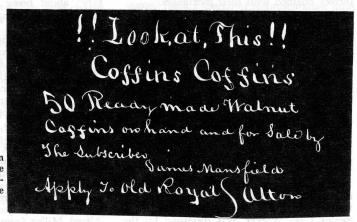
On November 2, 1837, there met in the counting-house of a leading merchant of Alton the most respectable and influential of the city's businessmen. They rejected a proferred resolution for freedom of the press, and another denouncing mob rule. They adopted instead this resolution: "That while there appears to be no disposition to prevent the liberty of free discussion through the medium of the press or otherwise, as a general thing, it is deemed a matter indispensable to the peace and harmony of this community that the labors and influence of the late editor of the 'Observer' be no longer identified with any newspaper establishment in this city."

At this meeting Lovejoy threw down his challenge to the business leaders of Alton. It was not abolition alone that was here involved, he stressed; it was freedom of the press and all constitutional liberties. "I dare not flee from Alton," he declared. "The contest has commenced here, and here it must be finished. I pledge myself to continue it, if need be, till death. If I fall, my grave shall be made in Alton."

Within a few days the fourth press for Lovejoy's Observer arrived, and sixty citizens enrolled in a volunteer military company to defend it. A sympathetic merchant offered his warehouse for the protection of the press,

At ten o'clock on the night of November 7, a mob gathered before the warehouse. Its spokesman forced open the door, and demanded the press at the point of a revolver. The attack began with a volley of stones which broke the windows, and the firing of two shots into the building. When the fire was returned, the mob dragged forward a ladder and climbed to the roof to set the warehouse aflame. It was at this moment that Lovejoy appeared in the doorway to face the mob. An instant later five bullets pierced his body. He turned, walked a few steps towards his comrades, and fell dead. The attackers swept through the building, routed those within, and flung press and type into the Missouri River.

'The hope of conciliation with the slaveowners," remarked a contemporary writer, "was buried in Lovejoy's grave." The martyrdom of Lovejoy inspired John Brown; it brought into the Abolition ranks such famed orators as Wendell Phillips; it made clear as in a lightning flash the true nature of the slavocracy and of its strangle-hold upon American life.





In which it is shown that a very funny story can have very serious consequences.

By ROBERT WITWER

When a farmer's property is invaded by thousands of wild geese (which the U.S. government claims are its property) does the government offer to reimburse the farmer for the damage? But just let a farmer's geese get on a piece of the government's property and see if the farmer doesn't pay, and pay plenty.

Every wheat farmer in the state of Iowa and every farmer in the nation will want to know this story. It will be of interest to every worker in the land, because it shows that it makes considerable difference whose property rights are violated.

The farmer has to pay taxes to support an army of government agents, Game Management Agents, whose duty it is to see that the wild geese have unmolested access to eat and devour the farmer's crops. They are given, according to their own statements, the right to search any farmer's premises from cellar to garret without even having to take the trouble to arm themselves with a search warrant or even wearing any badge of authority.

Any person denying these agents this right may find himself before the U.S. Commissioner, facing alledged violation of Sections 253 and 254 of Title 18, U. S. Code and Criminal Code of the U. S. Conviction on the violation of the above is punishable by a maximum penalty of 10 years imprisonment and a fine of \$10,000.

On a farm one mile south-east of Onawa, Manona County, Iowa, resides one of the Farmer-Labor leaders of this, Manona County. His name is R. C. (Robin) Cooper. He is the father of three children all of whom attend the Onawa Schools. The youngest of the three is Bobbie, age 13.

Robin Cooper has in the past proven himself to be an able and militant leader. This

is attested to by the fact that he has been, secretary of the Farmers-Holiday Association, Chairman of the Townsend Club, Farmer-Labor candidate for County Supervisor and state delegate to the Farmer Labor Convention in Des Moines in 1936. He is also a member of the Farmers Union.

His acts of kindness have proven him to be a friend to those less fortunate than himself. The workers of Onawa have many times borrowed his teams to haul wood when their families would have suffered had it not been for his generosity. At different times he has donated large tracts of his land for use as community gardens. At no time has he charged anything for the services of his teams or land. Nor was he running for office at the time.

On March 25, 1937, Bobbie Cooper was strolling forth for a bit of target practise with a .22 rifle. He proceeded to amuse himself by firing at tin cans, maybe fifty yards from the kitchen door.

Just then four of "Uncle Sam's Watch Dogs of Wild Life" happened to be passing. Now none of them had made any arrests for a long time, although many geese had been killed by farmers, in the act of devouring their wheat. Some farmers even went so far as to shoot the geese while the agents were present and then required them to be cut open to prove by examination of their inards that the wheat was being destroyed.

Bobbie, tiring of motionless targets, took aim at a flock of wild geese that happened to pass overhead, little dreaming that he would hit a goose on the wing at over 100 yards distance. But Bobbie's bullet found its mark. And the Agents saw what they wanted.

Bobbie rushed home with his trophy, hid the goose in the barn, and handed his father the empty rifle. The Agents appeared on the scene. Mr. Cooper wishing to make sure the gun was not loaded opened it in the presence of the agents. Then they announced they would search his premises. He asked if they had a search warrant. They said no. He asked for their badges. They showed none. Mr. Cooper then ordered them from his property. He states definitely that he made no threats against them either by word or action.

One lone agent returned to Cooper's farm the following day. He offered to make a tour of inspection to see how much damage the wild geese had done to Cooper's farm. Also he said that if Bobbie turned over the dead goose no charges would be placed against him. And none have been. At the end of the afternoon Mr. Cooper and this agent went for a ride into town.

Three days later, on March 29, 1937, there appeared at the Cooper farm an officer from the U. S. Commissioner bearing a warrant for the arrest of one R. C. Cooper, wio, according to the complaint filed, had pointed a rifle at a government agent, interfered with and intimidated a U. S. officer in discharge of his assigned duty, and generally violated Sections 253 and 254 of Title 18 of the U. S. Criminal Code.

Mr. Cooper is now out on \$3,000 bail.

Just when and by what reason Mr. Gooper became an outlaw who endangered the lives of Federal officers who were endeavoring to perform their duty, three days after they had parted peaceably on his farm is not clear. Maybe it takes a Federal Agent three days to discover that a man is interfering with him and endangering his life. At any rate the farmers and workers in this part of the country are going to see to it that Mr. Cooper is freed.

Are Sit-Down Strikes Illegal?

(Continued from Page 11) laborers an opportunity to deal on equality with their employer. (American Steel Foundries v. Tri-City Central Trades Council, 257 U. S. 184 (1921)).

In a sit-down strike the employees inflict no greater injury upon the property interests of the company than what was held to be lawfully inflicted in the foregoing and other cases.

The sit-down strike is a lawful method by which workingmen, in the face of refusal by the employer to abide by the law of the land and respect their rights, seek to protect their rights and to improve their conditions. Sit-down strikers are not trespassers because they come upon the premises as employees at the company's invitation and because they remain throughout the labor dispute in the status of employees of the company. As employees they enjoy all the legal rights and privileges which accompany the employment relation.

Whether there is any interference with the property interests of the employer is not the issue, for such interference is present in the case of the strike, picketing, the boycott, or other concededly legal collective action by employees to better their conditions. The issue is whether this interference is justified. The lawfulness of the sit-down strikers' purposes, and the fact that the unlawful activities of the employer leave them no other means which are reasonably effective, provide the justification for the temporary interference with the company's property interests.

HOW ARE LABOR'S PRISONERS TREATED?

Minnesota Penitentiary—a grim exposure of conditions and treatment—the name of our reporter—an ex-political prisoner—is withheld for obvious reasons

"Talking is absolutely forbidden at all times and in all places except for 15 minutes during the noon meal each day and during the weekly recreation period from 1:30 to 3:30 each Saturday afternoon. Infraction of this rule or of any other, written or unwritten, (except offenses involving solitary confinement) is punished by denial of all privileges for a week. During the period of punishment the offender is required to sit at the 'dummy table' where talking is prohibited even at noon. He is also locked in his cell during the Saturday recreation period and during the weekly picture show on Sunday morning. Punishment is prescribed by the Deputy Warden or one of his assistants upon the uncorroborated accusation of any 'officer' as the semi-literate guards are required to be called. Every inmate is presumed to be a liar, and no defense against the guard's accusation is tolerated, much less accepted."

"Refusal to work, fighting, insolence, passing of magazines or other commodities from one inmate to another, possession of contraband (including matches, razor blades, 'buzzers' for lighting smokes, money, etc.) are all considered sufficient justification for a session of from three days to thirty, in solitary."

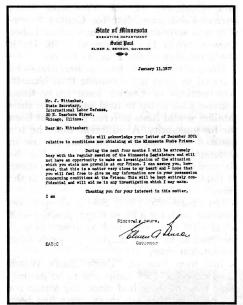
"A trip to the 'hole' is invariably followed by one month in third grade, which means that the inmate will have his head shaved, sit on the 'dummy table,' lose all privileges (including smoking, writing and receipt of letters, magazines, newspapers and books—except the Bible and one library book each week) and that he will be compelled to work at his usual job for that month."

"Until very recently it was the warden's practice to have every 'dangerous' inmate, particularly 'radicals' declared insane by the prison physician and two local doctors under his domination. Such men are then shipped off to the Asylum for the Criminal Insane at St. Peter, Minn."

"The population is (or was on December 22) 1450. Of these, more than 125 were compelled to sleep on cots in the corridors because there was no other place for them. Warden Sullivan's insistence upon the silent system makes it necessary to permit only one man in each cell and the cots are placed against the wall directly below the cell galleries with the result that the sweepings and other dirt from the galleries cover the cots

She needs milk—to keep her strong till her dad one of labor's prisoners is free to come home to her. Support our Summer Milk Drive

every day. The cots are supposed to be three feet apart; often they are within 18 inches of each other, and grown men are supposed to sit there every evening from 5 until 9:15 without daring to speak to the neighbors



A letter from Governor Benson to the I.L.D. promising an important investigation. It may be hard to read—but well worth the effort.

even in whispers. On Sundays and holidays they are supposed to spend the whole day in that interesting fashion."

"In the shops it is forbidden to as much as take a drink without special permission from the officer in charge. Smoking at work is forbidden of course, but then it is permitted only in cell halls, and then only when an officer provides a light, coming around at intervals with a little carbide lamp. If visitors come through while inmates are lined up in one of the halls, the men are compelled to stand with their faces to the wall like children caught whispering in an old-fashioned school."

The above is only one sample of the conditions under which labor prisoners are forced to spend the days, months and years of their unjust imprisonment. In many penitentiaries the conditions are much worse than those described. They are certainly worse on the southern chain-gangs, in terror ridden San Quentin and Folsom, in ancient jails in Kentucky.

The International Labor Defense has initiated a legislative campaign for bills recognizing the status of political prisoners with special conditions and privileges for them as such.

But until that bill becomes a law, our Prisoners Relief Fund tries each month to help make prison life a little more bearable for the heroes of labor by sending them regular monthly relief.

We also send relief to their families.

On June 1, we are initiating our third annual Summer Milk Drive for the children of the men and women who are suffering behind prison bars living under conditions like those described above. Their kids depend on us for this vital necessity of a healthy childhood.

Help us keep them well till their dads come home. Support our summer milk drive.

1937 SUMMER MILK DRIVE for children whose fathers are in jail for labor STARTS JUNE 1

FROM PRISON

From a Chinese Dungeon

At last I am able to write to you. Our writing privileges are so restricted that I had no possibility to do it before.

I wish to thank you and through you all our American friends for the proofs of sympathy and support and solidarity they have shown.

My best greetings to the Labor Defender and the New Masses which bring us regular news about your work and struggles and successes too.

The "Nation" is not only arriving itself but twice sent in parcels of good books. Books also arrived from International publishers and the N. Y. Herald-Tribune.

Needless to say that each letter or book or magazine I receive is not only reading matter but a bond with the outside world, with all the friends whom I may not know personally, but whose support I feel and appreciate.

The books present one problem, which will have to be solved here. The rats are eating them up.

Warmest fraternal greetings to Tom Mooney and Angelo Herndon and so many others.

And to you, dear Rose, my best wishes for success in all your undertakings.

GERTRUDE RUEGG No. 19-I Kiangsu Prison, Nanking, China.

Welcome Back to Freedom

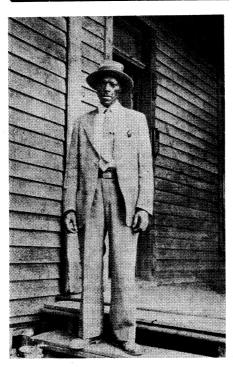
Received your letter today. The exact date of my release is April 17th— just one week from today. Should have informed you of this earlier—but it seems so incredible that the time has actually arrived that I unconsciously keep thinking—"there's plenty of time for that."

I don't know Nora's exact release date. We were both originally scheduled for release on May 27th. However, I received 30 days credits for work outdoors and later 10 more days for teaching a few the piano. That accounts for April 17th. Whether Nora has applied for and will receive credits, I do not know.

For your records, we both have 18 months parole. Have been paroled to a iob with two young attorneys who frequently handle cases for various A. F. of L unions. What practise they specialize in, I do not know—tho I imagine it is general. I believe one of them handled the legal end of the anti-picketing ordinance repeal campaign in S. F.

I imagine parole conditions are similar in all states so you are probably acquainted with them. They are hardly a menace to us, these conditions, since the usual thing that parole conditions seek to avoid,—drinking and various other things that might conceivably pave the road for the commission of more felonies—are rather not part of our existence. There are neither special privileges nor special prohibitive conditions for labor and political

prisoners. Despite the fact that we feel that any enlightened thought must recognize the difference between a political and a criminal prisoner the regulations are one set, applying to everyone. There are, of course, no prohibitions against, for instance, speaking—tho some fascist might readily be insane enough to call up the parole officer and say—"I heard Caroline Decker say 'greetings, fellow-workers', and that's criminal syndicalism—better take her back to Tehachapi."



Claude Patterson, the father of Haywood Patterson, who died—6 years to the day—after the Scottsboro Boys were arrested. Our pledge to his memory—freedom for all the boys.

The particular prohibitive provision of parole conditions that immediately affects us, for instance, is the one prohibiting "ex-convicts" to associate with each other. Specifically, the case is this. Louise Todd and I have been close friends before either of us dreamt of coming to Tehachapi, and are, of course, still close friends—closer, in fact, considering our experience here. Add to this the fact that we belong to the same political party and that our close friends are mutual to each of us and you have a situation where we are in constant contact with each other even were we not ourselves close friends.

The purpose in establishing such a regulation is the same purpose as all of the conditions of parole—to prevent the coming together of felons and thereby prevent them giving possible aid and encouragement to one another to commit felonies. This simply needs

no comment as to its misapplication in our

So far the question has still not been decided.

Received for the first time a copy of the Labor Defender last week. It is splendid! Eager to be with you all once again.

Fraternally, CAROLINE DECKER

"I Admire You a Lot"

First I want to apologize for my tardiness in writing to you. I received the mony and the paper you subscribed for me. I am enjoying the paper immensely. I have been reading about that killing at Beekman Place. That sure seems to be a tangled affair. I've heard too much about murder cases for the time being.

Yes, I can well imagine what a pleasure it was to present the ambulance to Spain. It's a wonderful work you are doing and I admire you a lot. If only more people could be made to understand the reasons for strife, such as they are having in Spain at the present. One reads a lot about it, but when it comes to discussion one can hardly find an intelligent solution.

At this time my health is excellent and there is nothing I need outside of moral support. That is the one great trouble with Prisons. They do not consider the emotions of mankind and it is very easy to get discouraged. I'm thankful that I'm not troubled with melancholia. I've seen cases of it though and it's not pretty to see.

Again I'll say thank you and close for this time.

Very truly yours,

FRANK J. CONNER

"Good Will for the I.L.D."

Dear Friend.

Your kind and welcome letter received and I thank you very much for the money enclosure.

It is very kind of you to state you are willing to send a little help to my family, but it so happens that my family at present is not in need of help but I thank you just the

I have often spoken and admired the good work that the I.L.D. is doing and now I sure can see it at first hand.

Just as I would not refuse a present from my sister or from a good friend just so I would not refuse your kindly enclosure for prisoners relief. But on the other hand I have a defense committee that sees to it that I have a money allowance sufficient for my prison needs for the present. So there might be some prisoner that you know of that needs the money more than I do at present and I know money is hard to get sometimes to go around to all that need it. So you can cut me off whenever the collections are tough, or when you have to stretch to give to some worthy and needy labor prisoner.

In the meantime I accept your generous gift in the spirit of good will I know it was

With best wishes to yourself and good will to the I.L.D.

I am, fraternally yours,

EARL KING



Claude Patterson, the father of Haywood Patterson, who died—6 years to the day—after the Scottsboro Boys were arrested. Our pledge to his memory—freedom for all the boys.

UNDER OUR FLAG

(Continued from Page 14)

standing advocate of independence. Every year the Nationalist Party celebrates a mass, a demonstration, and a meeting in his honor. Wreaths of flowers are deposited on his tomb. Another demonstration and a meeting are held to honor Manuel Rafael Suarez Diaz, a martyr of the cause of independence. Flowers are deposited on his tomb also.

This year the mayor denied permits for these meetings and demonstrations. As was even reported in the New York newspapers, although the ecclesiastical authorities gave authorization to hold the mass on the 16th, the Cathedral was closed, and policemen posted at its doors. The cemeteries were closed, and the Puerto Rican people forbidden to go in groups larger than two to deposit flowers on the graves of the patriots. General Winship again mobilized the regular army and National Guard, subject to call.

Everything in Puerto Rico is different from the United States. We have a different history. We are of a different race. We have a different religion, traditions, customs. We look at life from a different psychological point of view. We will never be "Americanized." We do not hate "Americans," but we think that the United States is interfering without the slightest justification in our affairs. We resent the occupation of our homeland since 1898. We further claim that the cession of Puerto Rico to the United States by Spain is morally void because we did not participate in the negotiation of the Treaty of Paris by which this was accomplished. We were never consulted as to whether we would or would not accept our "new sovereign." We hold further that nations are not ticles of commerce" to be bought and sold. We hold that it is not proper for a democratic country like the United States to hold colonies, nor even a "protectorate" over a civilized nation like Puerto Rico.

I speak to the American government, and to the American people:

I assure you, my friends, that we not need your citizenship nor your tutelage. Under your flag we have been victims of the most cruel economic exploitation. We know that your government, during past administrations, has announced attempts to "civilize" us. But we seek our own way of life through our own experience. And we have the pride of believing that we have inherited from Spain an immortal culture which we have adapted to our surroundings. We know that now your government wants to make us bilingual, to force the English language upon us. We respectfully decline this great honor. Rather than being a "bridge," a "steppingstone," or a "melting-pot," we prefer to be ourselves, simply ourselves. We may be very stupid when we think that in Puerto Rico our teachers should teach in the Spanish language. But pardon us if we think that you are as stupid as we when you think that English should be used in the schools of the United States. So are the French, when they think they should receive instruction in French, and every civilized person in every civilized nation, when he thinks his mother tongue should be used as the vehicle of learning in his schools.

I have heard that President Franklin D. Roosevelt is one of America's outstanding liberals. I have heard that he is the author

of the Good Neighbor policy, and that under his administration the Platt amendment was abolished and the marines withdrawn from Nicaragua. I have heard that he believes in peace and in the right of self-determination. I have heard that he fights for the underdog, "ill-housed, ill-clad, ill-fed."

I have heard all that, and I know that last vear, in an executive meeting of his Cabinet, he recognized the right of Puerto Rico to be free. I hope that with your aid, my friends among the American people, he will carry his recognition forward and will ask Congress to end the regime of intervention in our country, and hence the withdrawal from Puerto Rico of the armed forces of the United States, which are massacring our people; recognize complete independence and establish a commission to liquidate intervention with a Constitutional Convention; end the problems arising from the occupation of Puerto Rico since 1898; make the Albizu Campos case a thing of the past; end the possibility of Palm Sunday massacres.

DRESS REHEARSAL

(Continued from Page 7

day that war was declared and then introduced in Congress.

Seemingly some of the militarists in Congress and in the army and navy have decided that they cannot wait that long. At any rate, they have put most of the features of the Industrial Mobilization Plan into a bill—the Sheppard-Hill bill-which is now pending in Congress. While they are anxious to have it passed, this measure does not meet with the complete approval of the admirals and generals. They want their own plan as it stands. If the Sheppard-Hill bill passes, they will have ready for Congress on the day the war begins amendments enough to give them just what they want. If the present bill fails of passage, they will send up their own plan. And it is fairly safe to predict (barring, of course, a storm of protest from the people) that that plan will be rushed through Congress within less than twenty-four hours.

The first section of the Industrial Mobilization Plan calls for a universal draft. All workers will have to register; there will be no exemptions. Some will be sent to the front immediately. Others will be given "deferred ratings" and kept at work in industry, particularly in those jobs which the President deems essential to the public interest." They will hold their jobs, however, only upon sufterance, at the pleasure of the dictatorship. It follows that if the dictatorship has this power over a man's job, has the power to remove him, it also has the power to assign another man to that job. Stated bluntly, this all means that the dictatorship will have the power to conscript labor as well as soldiers.

Working conditions will also be determined by the dictatorship. The Secretary of War will have the authority to remove any industrial manager or foreman, or even any employer, "if he deems the public interest in successful prosecution of war so to require."

The second section of the plan gives the President (read dictatorship) practically unlimited authority "to exercise control over the material resources, industrial organizations, services, and all business relations over which government control is necessary to the successful termination" of the war.

He will be empowered to fix prices for all goods and services, and "regulate, limit, or prohibit" the production and distribution of any commodity. He may commandeer goods, take over real and personal property, and issue and revoke licenses to engage in industry or business of any kind. Other sections give the dictatorship absolute control over commercial credit and the capital market.

No provision has been made, or so it would seem, for the control of public opinion. But such provision is hardly needed. At least, the militarists need not state it in naked language. The Espionage Act is still in force. An "official secrets" law, passed a few years ago, can be used for this purpose. Under the Communications Act of 1934 the President has authority to take over the radio in time of war and can impose a virtually similar control over the telegraph and telephone companies, thus going a long way toward controlling the press. Indeed, though the Industrial Mobilization Plan does not directly mention it, there can be no question at all that a direct censorship of the press will be established.

Then there are other laws already on the statute books that can, as Professor Chafee has suggested, be used in the name of military discipline to suppress public discussion. Moreover, the mobilization plan itself contains an abundance of implied powers that can be put to the same purpose. The powers of the dictatorship over industry and business will be absolute. They will cover everything. They can be used to suppress any newspaper, printing press, publishing firm, or other business, or any individual in a position to influence or appeal to public opinion. They can be used to compel any corporation, or other organization, or individual to do whatever the dictatorship orders done. Nor will the government hesitate to use any of its powers, explicit or implicit or assumed, to smash any one or everyone who might stand in the way of its war effort or of the dictatorship.

Lastly, anyone accused of "obstructing" the draft law will be subject to criminal prosecution. He may be tried by a court martial rather than by a civil court, if the authorities so decide, and upon conviction "suffer such punishment as a court martial may direct." In brief, the military courts are not to be limited in the penalties they may lay down. If they are so disposed, they can order a convicted man shot. And it must be remembered that, since the chief purpose of the draft law will be to build up a gigantic military machine, criticism of that machine will certainly, as was the case in 1917-18, be considered "obstruction." Thus, anyone who dares to criticize the war effort in this next war will stand a pretty good chance of getting himself shot for his pains.

It ought to be quite clear by now that there will be no civil liberties whatever in this coming war. Not only are those who conscientiously object to war, or those who refuse to work or die for imperialism, or those who will not voluntarily abandon the rights they and their forefathers have won over the last several centuries, going to find themselves in prison, if not lined up against a wall, but even chance critics or patriots who disagree with the conduct of the war will in all likelihood be similarly dealt with. This is no pipe-dream. It is certainly going to happen—unless the American people do something to prevent it.

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