
The National Defense Committee.

From the NDC pamphlet *A Communist Trial: Extracts from the Testimony of C.E. Ruthenberg and Closing Address to the Jury of Isaac E. Ferguson*. No author specified, but Secretary-Treasurer of the NDC was Edgar Owens, making him the most likely candidate for having authored this document.

When the Communist Party and the Communist Labor Party met in convention in Chicago in the summer of 1919, both adopted programs based upon the Left Wing Manifesto and Manifesto of the First Congress of the Third (Communist) International. Both programs emphasized certain principles of Revolutionary Socialism; that in order to bring about Socialism, capitalist governments must be overthrown and a workers' government — the Dictatorship of the Proletariat — must be established; that parliamentary forms were not adapted to the proletarian dictatorship, and must be supplanted by a Soviet form; that in a class society the dominant class would exercise every conceivable measure to make itself secure in its position of dominance. Current historical events were referred to, notably the general strikes of Winnipeg and Seattle, which were commented upon as significant signs of the times.

Both Parties immediately proceeded with the task of propaganda and organization. Literature setting forth the communist position received an extensive circulation. Organizers were set forth, into the factories, the mines, to the railroads, out on the highways and byways where workers congregate.

Then in January 1920 Attorney General Palmer, giving ear to the buzz of the presidential bee, ably assisted by divers states' attorneys, and as unscrupulous a crew of sneaks as Tsar Nicholas could boast in the height of his power, staged the so-called "red raids." Thousands of men and women were rounded up like cattle, hurled into filthy jails, manhandled, third-degreed, and had every sort of indignity heaped upon them. The raids in Boston, New York, Detroit, Chicago, in practically every industrial center in the United States make a chapter in the Book of White Terror that must make the bones of the revolutionary fathers do stunts in their graves.

Hundreds of these men and women, aliens, were held for deportation. Other hundreds were indicted for violation of state "anti-sedition," "anti-syndicalist," "criminal anarchy" statutes. In Chicago 85 members of the Communist Party, 38 of the Communist Labor Party, and 37 of the IWW were indicted. In New York indictments were returned against Ben Gitlow, Jim Larkin, C.E. Ruthenberg, I.E. Ferguson, and Harry Winitsky. From the Atlantic to the Pacific the states furnished their quota of victims to the White Terror.

Both Communist Parties were temporarily demoralized. Those who escaped the drag-net went into hiding. The work of propaganda and organization had to be abandoned for the time being while the shattered forces were mobilized for defense. Local Defense Committees were organized to meet the local needs. Much work of this nature was duplicated in various places. Coordination of defense work was imperative. The answer was the National Defense Committee.

In New York Ben Gitlow was tried, convicted, and sentenced to from 5 to 10 years in February 1920. Jim Larkin met a like fate in April. In October 1920, C.E. Ruthenberg and I.E. Ferguson were given sentences of from 5 to 10 years. In November 1919, Ignatz Mizher was given a sentence of from 5 to 10 years in Cortland, NY; while Carl Paivio and Gus Alonen were given similar sentences in New York City during the same month. In July 1921, Paul Manko was sentenced to from two and one-half to nine years. Treatment Manko received at the hands of the authorities was so severe that his mind was shattered and he is now in the Hospital for the Criminally Insane at Dannemora, NY. These men are now all in prison. Their cases are being appealed in an effort to secure their release.

During the month of December 1921 indictments for violation of the infamous "criminal anarchy" act of New York against Edward Lindgren, I.

Amter, and A. Jakira, were dismissed on the grounds that the material to be used against them had been unlawfully secured. Their arrests occurred April 29th, 1921. In Cortland indictments against seven men for violation of this same law were amended, whereupon the comrades entered pleas and sentence was suspended. They had been arrested in November 1919 at the time of Mizher's arrest.

Most deportation cases came to New York as the port of departure. On April 8th, 1921, 38 deportees were at Ellis Island expecting to leave for Europe on the 14th. Twelve of them were married and brought their wives along. There were 24 children. Then the Soviet Government closed the Russian frontier to anyone from the United States until the US Government modified its attitude towards the Soviet Government. This meant that the deportees would be held on Ellis Island for an indefinite period. The Island authorities refused to provide for the dependent women and children of the deportees unless arrangements were made to pay for the food they ate. There was no alternative, and the NDC arranged through its attorneys to pay the Island Commissary Department for the food issued to the dependant women and children. On May 31st the Commissary Department rendered a statement: "2065 meals — \$370.69." This item was paid by the Defense Committee. The release of the 38 men was secured under bail during the first week in June. Since then there have been occasional deportees sent to the Island whose interests have been looked after by the National Defense Committee.

On April 25th, 48 men and women were arrested in Philadelphia, charged with violation of the Pennsylvania "anti-sedition" act. Of those arrested, indictments were returned against 38. Bail was set at \$2500 each. After much difficulty the necessary bail was raised and the comrades were released, whereupon the federal authorities instituted deportation proceedings against 30 of them, setting bail at \$1,000. This, too, was eventually secured.

In March 1921 Harry Belavsky was arrested for an alleged distribution of illegal literature. His trial was hastened to such an extent that it was impossible to provide an adequate defense. Belavsky was declared guilty. The defense moved for an arrest of judgment. About the same time Comrade Burke was indicted in Luzerne County under almost identical circumstances.

Here a motion to quash the indictment on grounds of error and faulty construction, and what is of greater significance, on the grounds of ambiguity of the Act itself, was sustained. In his decision Judge Fuller stated that "the Pennsylvania Anti-Sedition Statute bore evidence on its face of being one of the ill-considered and hastily passed laws influenced by war hysteria." Basing his opinion on the decision of Judge Fuller, Judge Smith ordered Belavsky released. This should have ended the prosecution of the 38 Philadelphia comrades. But these are not ordinary cases. Nor are these normal times. The district attorney appealed from the ruling of the court in the Belavsky case and pending the decision in the higher courts those comrades will remain under indictment. In the meantime \$125,000 in bail is definitely tied up.

In Pittsburgh there are 14 "anti-sedition" cases and 5 deportation cases. One of the deportation cases has been dismissed; one comrade has been deported, and another ordered deported. Of the state cases one has been sentenced to from 3 to 5 years and \$1000 fine; one to a year and \$100 fine; two to 9 months and \$100 fines; and one is in jail pending sentence. The others are at liberty under a combined bail of \$15,000.

In Ohio there are 12 cases. No action has been taken relative to four of them; one has been disposed of; Stephen Bobich, Akron, is now on Ellis Island awaiting deportation to Yugoslavia; and the others are at liberty under bail pending disposition of their cases.

There are five deportation cases in Michigan. One of these, Gerski, was held in jail at Flint under \$10,000 bail. He had been in jail four months. This outrageous situation was taken up with the Department of Labor at Washington and our attorney secured a reduction of bail to \$2,000. All the Michigan Comrades are now released under bail.

In Illinois, the Chicago Communist Labor Party case involving 19 comrades is before the Illinois Supreme Court. They had been convicted and sentenced to from one to five years in August 1920 after a sensational trial lasting 12 weeks. Deportation proceedings have recently been cancelled in two cases, while stay of six months has been secured in another.

Wisconsin has 13 deportation cases. In August 1921 the Federal Court ruled against six of the comrades and ordered their deportation. An appeal has been taken and the other seven cases are being held in abeyance.

ance pending the ruling from the Court in the first cases.

The J.O. Bentall appeal was decided against the defendant in the Federal Court of Appeals during the past summer and he was ordered to begin serving his sentence. This case involved an alleged violation of the wartime Espionage Act. The case is now being taken to the US Supreme Court in an effort to secure a reversal.

The Jack Carney case is pending before the Federal Court of Appeals. Carney had published an article in *The Truth*, "Hands Off Soviet Russia," in the fall of 1919. For this he was given a sentence of 2 years in Leavenworth. The appeal will be argued during January [1922].

The Cannon-Baker case is set for the latter part of January 1922. This case grows out of the arrest of the comrades for peaking in the Pittsburgh, Kansas, Coal Fields during the miners' strike in November 1919. The charge is violation of the wartime Lever Act. Of course the war had been over a year when the alleged offense was supposed to have been committed. But it is an illustration that anyone who participates in the class struggle on the side of the workers does so at his peril.

There have been numerous local cases that have been taken care of by local affiliations of the National Defense Committee which have not been reported to the National Office. These have been of greater or less seriousness, but have been satisfactorily taken care of.

During the year 1921 defense receipts of the NDC national treasury have been \$20,862.91. Disbursements for defense, relief, and administration were \$20,292.70. On account of the cases enumerated in this report the following amounts are needed on January 1st, 1922:

New York	\$ 5,248.00
Philadelphia	1,148.00
Pittsburgh	2,545.00
Ohio	700.00
Milwaukee	1,000.00
Cannon-Baker	2,500.00
Jack Carney	175.00
J.O. Bentall	300.00
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Defense needs Jan. 1st	\$13,616.00

The above does NOT include the weekly budget for relief of the imprisoned comrades and their families.

Has the National Defense Committee a place in the working class movement? Should it be given support? Those comrades who have been arrested throughout the country and held for trial and possible imprisonment or deportation know. And their families know. The NDC has been their sole recourse. They have been furnished every possible legal service. In case of conviction their cases have been appealed. They have been made to feel that they do not stand alone. And when in the course of their activities they have felt the crushing heel of the capitalist state, the National Defense Committee has come to the front as the Red Cross of the working class.

Thousands of dollars are needed at once to carry on the appeals of the comrades who have been imprisoned. Other thousands are needed to furnish adequate defense for those who are facing trial. Comrades held for deportation must receive every possible legal service. And we urge a generous response to our call for funds. Make remittances payable to THE NATIONAL DEFENSE COMMITTEE and mail to Edgar Owens, Sec'y-Treas., 7 Bank Street, New York City.

Edited by Tim Davenport.

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